

SAN FRANCISCO PUBLIC LIBRARY



3 1223 06647 8083



*Closed
Stacks*

San Francisco Public Library

GOVERNMENT INFORMATION CENTER
SAN FRANCISCO PUBLIC LIBRARY
CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102

REFERENCE BOOK

Not to be taken from the Library

DEC 02 2004

L500
R9
2004
no. 4

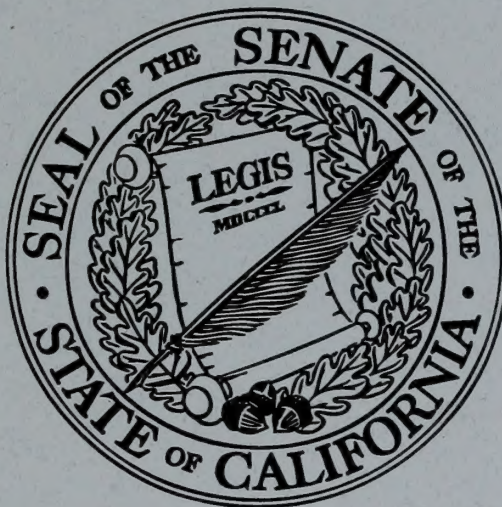
HEARING
SENATE RULES COMMITTEE

STATE OF CALIFORNIA

DOCUMENTS DEPT.

SEP 30 2004

SAN FRANCISCO
PUBLIC LIBRARY



STATE CAPITOL
ROOM 113
SACRAMENTO, CALIFORNIA

WEDNESDAY, APRIL 28, 2004
1:35 P.M.

SENATE RULES COMMITTEE

STATE OF CALIFORNIA

HEARING

STATE CAPITOL

ROOM 113

SACRAMENTO, CALIFORNIA

WEDNESDAY, APRIL 28, 2004

1:35 P.M.

Reported by:

Evelyn J. Mizak
Shorthand Reporter

3 1223 06647 8083

APPEARANCESMEMBERS PRESENT

SENATOR JOHN BURTON, Chair

SENATOR ROSS JOHNSON, Vice Chair

SENATOR BETTY KARNETTE

MEMBERS ABSENT

SENATOR WILLIAM KNIGHT

SENATOR GLORIA ROMERO

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NETTIE SABELHAUS, Consultant on Governor's Appointments

SUSIE SWATT, Consultant to SENATOR JOHNSON

CHRIS BURNS, Consultant to SENATOR KNIGHT

ALSO PRESENT

MICHAEL P. CHRISMAN, Secretary
Resources Agency

SENATOR CHARLES POOCHIGIAN

STEVE BAKER
California Association of Professional Scientists

ROB ROSS
California Fisheries and Seafood Institute

ANN NOTTHOFF
Natural Resources Defense Council
California League of Conservation Voters
Coalition for Clean Air
Climate Registry

SUSAN JORDAN
California Protection Network

1 SCOTT WETCH

2 California State Pipe Trades,

3 Joint Legislative Management Committee, Forest Products Industry

4 MARK S. RENTZ

5 California Forestry Association

6 BILL GAINES, Director of Government Affairs

7 California Waterfowl Association

8 AARON READ

9 CDF Firefighters

10 3M Corporation

11 BILL PAULI

12 California Farm Bureau

13 Polly Ranch Family

14 JACK GUALCO

15 Imperial Irrigation District

16 Kern County Water Agency

17 CCEEB

18 TERRANCE A. TAMMINEN, Secretary

19 Environmental Protection Agency

20 SENATOR SHEILA KUEHL

21 MATI WAIYA

22 Chumash Native American

23 BOB EPSTEIN, Co-founder

24 Environmental Entrepreneurs

25 V. JOHN WHITE

26 Sierra Club/Clean Power Campaign

27

28

29

30

31

32

33

INDEXPage

Proceedings 1

Governor's Appointees:

P. MICHAEL CHRISMAN, Secretary

Resources Agency 1

Introduction and Support by

SENATOR CHARLES POOCHIGIAN 1

Opening Statement 2

Questions by SENATOR KARNETTE re:

Request to Not Sell Surplus State

Property in Urban Areas 4

Questions by CHAIRMAN BURTON re:

Inconsistency in Agency's

Reaction and Approach to SB 810 5

Headwater Buffer Zones 7

Hearst Ranch 9

Witnesses in Support:

STEVE BAKER

California Association of Professional Scientists 13

ROB ROSS

California Fisheries and Seafood Institute 13

ANN NOTTHOFF

Natural Resources Defense Council 14

Questions by CHAIRMAN BURTON re:

Agency's Position on Proposed

Ocean Protection Act 15

SUSAN JORDAN	
California Coastal Protection Network	15
SCOTT WETCH	
California State Pipe Trades Council	
Joint Legislative Management Committee of	
the Forest Products Industry	15
MARK RENTZ	
California Forestry Association	16
BILL GAINES, Director of Government Affairs	
California Waterfowl Association	16
AARON READ	
CDF Firefighters	17
BILL PAULI	
California Farm Bureau and Pauli Ranch	17
JACK GUALCO	
Imperial Irrigation District	
Kern County Water Agency	
CCEEB	17
Motion to Confirm	18
Committee Action	18
TERRENCE A. TAMMINEN, Secretary	
California Environmental Protection Agency	19
Introduction and Support by	
SENATOR SHEILA KUEHL	19
Opening Statement	20
Statement of Intention by SENATOR JOHNSON	23
Questions by CHAIRMAN BURTON re:	
Hydrogen Highway	23
Role of Hybrid Vehicles	25
Inconsistency on Brownfields	26

New Water Rights Application on Russian River	27
Possibility of Increased Logging in Sierra and Cumulative Effect on Wildlife Habitat	28
Responsibilities of Undersecretary Branham	29
Local Assistance Bond Funds	30

Witnesses in Support:

MATI WAIYA Chumash Native American	31
BOB EPSTEIN, Co-founder Environmental Entrepreneurs Through E2	33
ANN NOTTOFF Natural Resources Defense Council California League of Conservation Voters Coalition for Clean Air Climate Registry	34
MARK RENTZ California Forestry Association	34
SUSAN JORDAN California Coastal Protection Network	35
JACK GUALCO California Council for Environmental Economic Balance	35
AARON READ CDF Firefighters 3M Corporation	36
JOHN WHITE Sierra Club Clean Power Campaign	36
Motion to Confirm	36

Statements by SENATOR KARNETTE re:

Importance of Educating Young
Children about the Environment 37

Committee Action 38

Termination of Proceedings 38

Certificate of Reporter 39

Appendix:

Written Submissions by Nominees:

MICHAEL CHRISMAN 40

TERRENCE TAMMINEN 54

P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN BURTON: Governor's appointees today,
Michael Chrisman, Secretary of the Resources Agency.

Senator Poochigian.

SENATOR POOCHIGIAN: Thank you, Mr. Chairman and
Members.

It is my pleasure and honor to be here with you
for the purpose of introducing Mike Chrisman. He is and has
been for as long as I've known him, which is a considerable
length of time, been a recognized leader in his community and in
our state.

He's had a wide range of experiences over a
number of issue areas. He's worked very effectively in the
public and private sector.

He hails from traditional agriculture and
certainly is highly regarded in that field as a leader, but his
experience goes far, far beyond that. Really a unique and, in
many ways, nontraditional experiences that underscore his
qualities as a conservationist, as one who loves the outdoors,
who loves the resources that, in the position he's been
appointed to, he is charged to advance and protect.

He's been involved in issues, again, both in the
public and private sector, very delicate issues oftentimes,
involving water, conservation, parks, fish and game. He has not
only been serving in bureaucratic roles, but he's been a very
active policy maker and devotee. He's served on numerous boards
and commissions in which he has been able to act on his strong

1 passion for protection and advancement of resource causes.

2 I've had the pleasure of serving with him in a
3 number of important capacities. We share, among other things, a
4 very strong interest in the Sierra Nevada and protection of the
5 Sierra Nevada.

6 He has a reputation for being very level-headed,
7 having high aptitude, high energy. He's a thoughtful fellow,
8 very collegial. I don't know of anyone who views in him in an
9 adversarial way. He's viewed as someone who is most helpful and
10 is very judicious.

11 And like many of us, he is made complete and
12 better because of his wife, Barbara, who in the first row to
13 support him as well. I'm very pleased to see her as well.

14 I think he is a perfect appointment to serve in
15 this role, and I urge your favorable consideration.

16 CHAIRMAN BURTON: Thank you, Senator.

17 Would you like to introduce your family that's
18 here?

19 MR. CHRISMAN: Yes, I would, Senator, thank you.
20 I'd like to introduce my wife, Barbara, back here
21 with me.

22 Thank you, Senator.

23 Senator Burton and distinguished Members of the
24 Committee, it's indeed an honor for me to be here today and to
25 thank you for the opportunity to appear with my friend and
26 colleague, Terry Tamminen, to respond to your questions
27 regarding my qualifications to serve as California's ninth
28 Secretary for Resources.

1 I'm humbled and honored to have this opportunity
2 to serve the people of California in this capacity, and work
3 with the Legislature, as well as our many, many dedicated career
4 professionals at the Agency, and constituent departments,
5 conservancies, and boards and commissions.

6 As we plan for meeting our resource stewardship
7 responsibilities for the 21st Century, population and other
8 pressures place new challenges as well as historic opportunities
9 for the preservation of our magnificent California resources,
10 our natural, historic and cultural resources.

11 A vibrant economy and a healthy environment do
12 more than co-exist. I strongly share the views of the Governor
13 and others that they can both flourish in California.

14 To fulfill our responsibility as stewards of
15 California's precious resources, we must ensure intelligent,
16 far-sighted management of these resources for the benefits of
17 all Californians in a manner that supports the vibrant health of
18 both our economy and the environment. In order for this to
19 occur, it will require innovative new approaches that
20 simultaneously deliver environmental and economic benefits.
21 Innovation is best accelerated by reaching out and becoming
22 partners with our constituents in an open, inclusive manner.

23 Consistent with the Governor's vision of the
24 environment, I believe we have an historic opportunity in many
25 areas as we look ahead. For example, moving strategically to
26 manage our marine life and ocean resources, re-invigorating our
27 CALFED and Bay Delta Authority, we can better manage and
28 integrate California's water supply for multiple benefits and

1 better water quality and reliability means.

2 While Secretary for Resources, I will also focus
3 on promoting a reliable energy system, with an emphasis on clean
4 renewable sources that will provide certainty, predictability,
5 and affordability.

6 By working together with innovative partnerships
7 we can also improve the habitat for all living beings. Better
8 open space, park opportunities, highly populated areas can
9 improve the quality of life in our inner cities and foster
10 redevelopment of our urban core while reducing encroachment into
11 California's wild forest and agricultural lands.

12 Again, thank you for the opportunity to appear
13 before the Committee today, and I look forward to your
14 questions.

15 CHAIRMAN BURTON: Senator Johnson.

16 SENATOR JOHNSON: No questions, Mr. Chairman.

17 CHAIRMAN BURTON: Senator Karnette.

18 SENATOR KARNETTE: I have one question about
19 parks and recreation and surplus property.

20 If you're going to sell anything, can we be
21 assured it won't be in urban areas where we have needs for
22 parks?

23 MR. CHRISMAN: Senator, we have no plans at all
24 to dispose of any of our park properties at this point in time.

25 SENATOR KARNETTE: Very good.

26 CHAIRMAN BURTON: In your letter to the
27 Committee, in your questions, we're concerned about the
28 implementation of SB 810, which was really a rather, I think,

1 mild approach to trying not to have timber harvesting close to
2 the waters where they were polluting, also adversely affect the
3 fish population.

4 And, you know, the letter indicated that the
5 administration was going to comply with 810, yet your Agency
6 sponsored a bill that would have exempted many timber plans from
7 its requirements, and according to the Department of Forestry,
8 the purpose of the bill was to give relief to the timber
9 industry.

10 It seems rather an inconsistent deal to me,
11 having spent an awful lot of time and effort getting the bill
12 through, which was no easy task, and then getting it signed,
13 which was no easy task.

14 I mean, can you comment or explain the
15 inconsistency?

16 MR. CHRISMAN: Senator, the bill that you talked
17 about was AB, I think, 2762 by Keene, if I'm not mistaken.

18 CHAIRMAN BURTON: You're correct.

19 MR. CHRISMAN: That particular bill.

20 It was clearly our intent in that bill to fully
21 meet the requirements of your bill, SB 810, as we move forward.
22 It was a matter of trying to, as I understand the bill, to give
23 some regulatory relief, provide a little bit of a timeframe for
24 the timberland owners to prepare better plans.

25 But there was never an intent not to live up to
26 the provisions of AB 810 [sic].

27 CHAIRMAN BURTON: The bill came from the
28 Department of Forestry, which some might say could be called a

1 department of forestry.

2 Would it come from the timber industry to them,
3 and just kind of worked its way up? And then they forgot to
4 talk to the author of the original bill about it, or talk to
5 anybody that was involved in the original bill about it?

6 It wasn't an intelligent way to do it. If there
7 was a legitimate beef, although I think almost every, if not
8 every legitimate concern of the industry was met.

9 If you take a look at bill, where it started,
10 810, and where it ended, you know, concerns were taken into
11 consideration.

12 And if you thought that you were just doing
13 something to clarify, it probably would have made a lot of sense
14 to talk to the sponsors of the bill, and my staff, or myself, or
15 somebody involved in passage of 810 to see whether they had a
16 legitimate beef or not. Because many a time it's been my
17 limited experience, working on this and on the headwaters, that
18 they do have a legitimate beef. They aren't going to make as
19 much money as they would like to make, but other than that,
20 there wasn't much to it.

21 So, I just kind of hope in the future that if you
22 want to do something, and you probably won't have enough time
23 left in my term to do something with one of the bills that I
24 carried, but you just ought to talk to the people that were
25 involved in it and say, "This is where this is coming from; this
26 is it. This is real problem. What do you think?" And if it is
27 a real problem, we would probably be amenable to doing it.

28 MR. CHRISMAN: Comment's duely noted, Senator.

1 CHAIRMAN BURTON: Thank you very much.

2 On the headwaters, where we gave a lot of money,
3 and I was unfortunately very intimately involved in this,
4 including conversations with Senator Feinstein where we were
5 moving her in a certain thing, with a former Secretary of
6 Interior itself, and the people back in Washington, and even
7 those in ag. That were involved in this.

8 And it explicitly provided for a 100-foot buffer
9 zone.

10 Now PALCO, who's got a ton of the state's money,
11 and in my judgment are not necessarily living up with their
12 contract where they got the money, they want to reduce the
13 buffer zones on the streams which would be a clear violation of
14 the law.

15 I would hope that, you know, no habitat
16 conservation plan is going to be approved that lessens the
17 buffer zones that are in the statute.

18 MR. CHRISMAN: Senator, it's our intent in this
19 effort to make sure that PALCO lives up to the provision of AB
20 1986.

21 CHAIRMAN BURTON: So, you're not going to be
22 accepting a habitat conservation plan reducing the buffer zones.

23 MR. CHRISMAN: To my knowledge, yes, sir.

24 CHAIRMAN BURTON: Aren't you the guy?

25 MR. CHRISMAN: Supposed to be.

26 CHAIRMAN BURTON: I was listening to Poochigian.

27 Part of the condition we had -- and we dealt more
28 than one would want to with the PALCO people. I mean, I'd

1 rather spend 10 days with Red Emerson than 10 minutes with those
2 people -- and it's just a condition payment of funds on specific
3 undertakings to storm-proof and repair roads, and protect
4 against landslides, to conduct scientific reviews, et cetera.

5 And now they want to change the HCP and put a cap
6 on the mitigation money that they have to spend, which again is
7 going to be violation of the law.

8 And what we don't want to do is end up in the --
9 although, God, seems like he's been Governor for two years given
10 what we've accomplished in his short time -- but we do not want
11 to get involved in the Legislature suing the administration
12 because they are granting things that are in direct violation of
13 the requirements.

14 And these guys made out like bandits, PALCO. They
15 did very, very, very well. There were conditions imposed upon
16 them that they weren't crazy about, but they accepted.

17 And I would just hope that you're not going to
18 allow them to make changes in the HCP that gets a violation of
19 the law, because we will sue. We will do it.

20 MR. CHRISMAN: Senator, just know that we are --
21 we're very sensitive of this. We've heard from both you and
22 Senator Sher and others about this, who have been very
23 intimately involved in the negotiations. And we hear you loud
24 and clear, and we'll be working with you on it.

25 CHAIRMAN BURTON: Well, you don't have to work
26 with us. Just do what the law requires.

27 I mean, this was not like a quick bing-bang-boom
28 thing. This was a very long, drawn out --

1 MR. CHRISMAN: I understand.

2 CHAIRMAN BURTON: -- negotiation, and bill, and
3 phone calls, and yelling and screaming, some of it, probably
4 most of it by Senator Sher, maybe a little by me.

5 Too much blood was put into this deal.

6 MR. CHRISMAN: I hear you.

7 CHAIRMAN BURTON: And we know those people.

8 MR. CHRISMAN: Yes.

9 CHAIRMAN BURTON: And, you know, as I say, Red
10 would be getting like the Sierra Club Award of the Year as far
11 as stewardship.

12 On the Hearst Ranch, supposedly there's a deal
13 with the Farmland Trust for the state to spend, I guess, have
14 tax credits. I guess that would be under the O'Connell bill
15 that passed, and 80 million in bond funds to get easements on
16 much of the Hearst Ranch.

17 Do you have a judgment where we're going to get
18 like \$95 million in value out of the deal, because there's going
19 to be, if there's no public access to the lands where we hold
20 the easements, and Hearst Corporation can continue the ranch,
21 and they can develop 27 parcels, 160 acres inside, and right now
22 there'd be beaches that the public has access to that Hearst
23 will retain ownership to.

24 We don't know what's happened for the money we're
25 going to spend.

26 And the bond money, and I don't know this for a
27 fact and I should, is maybe you can just do bond stuff without
28 us, but I know the tax, whether you give me a yes, a no, or a

1 maybe, it doesn't matter. I know you can't get the tax credit
2 money without us putting it in the budget.

3 MR. CHRISMAN: Right.

4 CHAIRMAN BURTON: Because that was all
5 O'Connell's bill.

6 MR. CHRISMAN: That's right.

7 CHAIRMAN BURTON: What's the state going to get?
8 We understand the property. What is the state going to get?
9 What specifically are we going to have in fees, and which lands
10 are going to have like the ag?

11 And if you don't know that right away --

12 MR. CHRISMAN: Well again, Senator, just so you
13 know, we're still in negotiations with the Hearst Corporation,
14 the Wildlife Conservation Board, Department of Parks and
15 Recreation, and the State Coastal Conservancy.

16 We're zeroing in on -- on the deal. The deal is
17 not there yet.

18 The \$15 million tax credit is a big, obviously a
19 big component of that -- of that effort.

20 CHAIRMAN BURTON: Not as big as the \$80 million.

21 MR. CHRISMAN: Not as big as the \$80 million;
22 that's right.

23 But the bottom line is, in terms of closing on
24 the deal right now, I can't comment yet on any of the specific
25 dollar amounts because we're not there yet.

26 CHAIRMAN BURTON: Right.

27 MR. CHRISMAN: So again, our job is, what we're
28 trying to do is, we're trying to bring this to hopefully closure

1 within the next month. And our clear intention is to make
2 this -- once if we can get there, if we can get to closure, is
3 to make this a very -- this will become a very open process.

4 We've got to go through the WCB hearing process.
5 We've got to go through the Coastal Conservancy hearing process.
6 It will be vetted very rigorously in a public arena.

7 CHAIRMAN BURTON: And the budget process.

8 MR. CHRISMAN: And the budget process, yes, sir.

9 CHAIRMAN BURTON: So, without getting into the
10 dollars, although the word's out that it's about come to about
11 95 million.

12 MR. CHRISMAN: That's speculation right now.

13 CHAIRMAN BURTON: Are you at liberty to tell us
14 whether the state's got an appraisal value of it yet?

15 MR. CHRISMAN: We have got an appraisal value,
16 but I'm not at liberty at this point in time in the discussions
17 to divulge that.

18 CHAIRMAN BURTON: At what point are we going to
19 know that?

20 MR. CHRISMAN: You'll know that here within the
21 next month.

22 CHAIRMAN BURTON: Okay.

23 MR. CHRISMAN: Sir, just -- you made -- during
24 your question, you referenced the American Farmland Trust. It's
25 really the American Land Conservancy that's involved in this, in
26 this deal with the Hearst Corporation.

27 CHAIRMAN BURTON: Are you at liberty to say
28 whether or not the state will have -- which means the people --

1 any access to the lands under the ag. easements or not?

2 MR. CHRISMAN: Not at this point in time I'm not.
3 Those are still under negotiations.

4 CHAIRMAN BURTON: If we were to get easements,
5 who would enforce them? Your Agency, the Department, what?

6 MR. CHRISMAN: Well, it depends on how they're
7 written.

8 Again, we're hoping the American Land Conservancy
9 will be involved in them, will be involved in -- in the easement
10 process.

11 Again, the Department of Parks and Recreation
12 will be.

13 CHAIRMAN BURTON: Wasn't this a Gray Davis deal
14 initially?

15 MR. CHRISMAN: The American Land Conservancy or
16 the --

17 CHAIRMAN BURTON: No, just the Hearst deal.

18 MR. CHRISMAN: Yes, it started during that
19 administration, yes, sir.

20 CHAIRMAN BURTON: We understand the beauty and
21 spectacular nature of the property. Better to be preserved than
22 having a 25-year fight with the Coastal Commission, I guess.

23 But we are going to be watching, one, for what
24 the bond thing is.

25 But two, the tax credit stuff, which then comes
26 out of the general fund.

27 MR. CHRISMAN: Indeed.

28 CHAIRMAN BURTON: Or doesn't go in it, whichever

1 way it is.

2 And 80 million in bonds means that parks in our
3 districts aren't going to get any dough.

4 Witnesses in support.

5 Mike, we might say for the record that they gave
6 you the wrong address. You got the address for the other
7 Michael Chrisman, formerly of the CMAC and the auctioneers.

8 MR. BAKER: Thank you, Mr. Chairman and Members.
9 Steve Baker with Aaron Read and Associates, representing the
10 California Association of Professional Scientists.

11 We have the state-employed scientists that work
12 in the Agency, and they've had an opportunity to meet with
13 Secretary Chrisman and are confident that if there are any
14 issues in the future, they'll be able to resolve them somehow or
15 another. Fortunately there aren't right now, and they're happy
16 campers.

17 Support the confirmation.

18 MR. ROSS: Mr. Chairman and Members, my name Rob
19 Ross. I represent the California Fisheries and Seafood
20 Institute. It's comprised of commercial fishing organizations
21 that land 85 percent of the fish received in California by the
22 primary processors, and the wholesalers, and the distributors,
23 that deliver 95 percent of the seafood to the hotels,
24 restaurants, and supermarkets in California.

25 We think we're an important constituency of the
26 Resources Agency. We've known Mr. Chrisman for many years, many
27 decades actually. Find him to be disciplined and principled,
28 fair, and quite knowledgeable on matters that affect our

1 industry.

2 We urge your aye vote.

3 CHAIRMAN BURTON: Thank you.

4 MS. NOTTHOFF: Ann Notthoff with the Natural
5 Resources Defense Council.

6 I want to note for the record that this the first
7 time I've ever agreed with the previous speaker.

8 [Laughter.]

9 MS. NOTTHOFF: And I think that the divergence
10 of our opinions on how best to protect California's coast and
11 ocean is one of the reasons that we are going to -- we support
12 confirmation of Secretary Chrisman.

13 We think that he has demonstrated a very good
14 ability for working with diverse constituencies and coming up
15 with solutions that can -- that do help protect the environment
16 and our public health.

17 We have had opportunities -- we have found
18 Mr. Chrisman to be very open and accessible and consultative.
19 We met with him on the Hearst issue that you discussed,
20 Senator.

21 We also are happy to hear Secretary Chrisman
22 commit to restarting the Marine Life Protection Act process.

23 And there are a number of very challenging
24 resource management issues confronting this state that we look
25 forward to working with him on, not the least of which is
26 proposals for massive reorganization of state agencies, and how
27 they protect our resources. And we definitely need a strong
28 advocate on behalf of keeping California's system of resource

1 management strong, and we support confirmation of Secretary
2 Chrisman.

3 CHAIRMAN BURTON: That brings a question.

4 Have you taken up, has your Agency taken a
5 position on the proposed Ocean Protection Act?

6 MR. CHRISMAN: We have not yet; no, sir.

7 CHAIRMAN BURTON: You better get to it.

8 Next, more witnesses in support.

9 MR. CHRISMAN: But, senator, we're working with
10 your folks on it.

11 CHAIRMAN BURTON: Oh, okay.

12 MS. JORDAN: Susan Jordan for the California
13 Coastal Protection Network.

14 We've been both impressed and encouraged by
15 Secretary Chrisman's openness and willingness to meet with us
16 and discuss a wide variety of issues facing the California
17 coast, so we support his confirmation today.

18 Thank you.

19 CHAIRMAN BURTON: Witnesses in opposition.

20 Are you in support?

21 MR. WETCH: Support.

22 Mr. Chairman, Members, Scott Wetch on behalf of
23 the California State Pipe Trades Council, and the Joint
24 Legislative Management Committee of the Forest Products Industry
25 in strong support.

26 Mr. Chrisman's been very thoughtful and
27 deliberative on our issues, and open to all points of view. We
28 appreciate that and urge confirmation of his nomination.

1 Thank you.

2 CHAIRMAN BURTON: Are you speaking for the Pipe
3 Trades or the lumber people on this one?

4 MR. WETCH: We're speaking on behalf of both
5 those organizations.

6 CHAIRMAN BURTON: Are the plumbers going to have
7 all the bathrooms on the ocean beaches?

8 [Laughter.]

9 MR. WETCH: If they can get them.

10 CHAIRMAN BURTON: Witnesses in support, just come
11 up.

12 MR. RENTZ: Mark Rentz, California Forestry
13 Association.

14 We too support Mr. Chrisman. We've had a good
15 working relationship with him. We welcome the opportunity to
16 work with him in the future.

17 Thank you.

18 MR. GAINES: Mr. Chairman, Members of the
19 Committee, my name is Bill Gaines. I'm Director of Government
20 Affairs for the California Waterfowl Association.

21 The California Waterfowl Association is a
22 conservation organization dedicated to the preservation of
23 California's waterfowl and its wetlands.

24 We cannot achieve this objective if we don't work
25 very, very closely with public and private partners throughout
26 California to put wetlands back on the ground and to address
27 waterfowl issues.

28 I've had the pleasure of working very, very

1 closely with Mr. Chrisman for the past six years during his
2 tenure on the California Fish and Game Commission. We have
3 found him to be very, very fair. We have found him to have a
4 God-given unique ability to bring diverse interests together to
5 solve very, very difficult resource issues.

6 California's lucky to have a man of Mike
7 Chrisman's caliber to serve as our Secretary for Resources. Our
8 Association is very, very pleased to offer him our full support,
9 and we urge this Committee to give him prompt a ye vote.

10 Thank you very much.

11 MR. READ: Thank you, Mr. Chairman and Members.
12 Aaron Read, representing CDF Firefighters.

13 We're thrilled to be here today to support
14 Secretary Chrisman. He's one of the only secretaries that I can
15 remember in the last 20 years that actually knows what CDF, its
16 mission, is about; that it is California's fire department.

17 He has been supportive of that Department even
18 when he was in a different role, working in this Legislature.

19 We strongly support his confirmation.

20 MR. PAULI: Mr. Chairman and Members of the
21 Committee, on behalf of the California Farm Bureau and our
22 member counties throughout the state and the Pauli Ranch family
23 we actively and aggressively support. Mr. Chrisman is very well
24 qualified.

25 Thank you.

26 MR. GUALCO: Mr. Chairman and Members, Jack
27 Gualco on behalf of the Imperial Irrigation District, Kern
28 County Water Agency, and CCEEB, among others, in strong support

1 of Secretary Chrisman.

2 I've had the pleasure of working and knowing Mike
3 for several decades now, and he's a top-notch guy. I'm
4 confident, as my clients are, he will do the best possible job
5 for the Governor and work closely with this Legislature.

6 So, we encourage your confirmation of him.

7 Thank you.

8 CHAIRMAN BURTON: How about the best possible job
9 for people of State of California, or are they are they and the
10 Governor one?

11 MR. GUALCO: You know the answer to that
12 question, Mr. Chairman.

13 CHAIRMAN BURTON: Any other witnesses in support?
14 Any opposition?

15 Hearing none, move the nomination.

16 SECRETARY WEBB: Senator Karnette.

17 SENATOR KARNETTE: Aye.

18 He even knows people in Visalia that I know.

19 SECRETARY WEBB: Karnette Aye. Senator Johnson.

20 SENATOR JOHNSON: Aye.

21 SECRETARY WEBB: Johnson Aye. Senator Burton.

22 CHAIRMAN BURTON: Aye.

23 SECRETARY WEBB: Burton Aye. Three to zero.

24 CHAIRMAN BURTON: Congratulations, Mike.

25 MR. CHRISMAN: Thank you, Senator.

26 CHAIRMAN BURTON: Terrence Tamminen, Secretary,
27 EPA.

28 Senator Kuehl.

1 SENATOR KUEHL: Thank you, Mr. Chairman and
2 Members of the Committee.

3 It's my great pleasure and honor to introduce to
4 you and encourage approval of this appointment of Terry Tamminen
5 for the Secretary of CalEPA.

6 He was not in the United States in his youth. He
7 was in Australia and has traveled extensively around the world,
8 unlike a lot of us in our youth. And even in the United States,
9 managed the largest sheep ranch east of the Mississippi.

10 Now, that's not why I support him necessarily for
11 Secretary of CalEPA --

12 [Laughter]

13 SENATOR KUEHL: -- but I do think that the
14 breadth of experience that he brought to his career in terms of
15 his concern about environmental issues really is telling in
16 terms of the way he works with everyone and the breadth of
17 support that you will see for his appointment.

18 A little over ten years ago, he founded the Santa
19 Monica Bay Keeper, was its Executive Director for six years,
20 co-founded Water Keeper programs in San Diego, Orange County,
21 Ventura, and Santa Barbara, and was Executive Director of the
22 Environment Now Foundation, which we're very happy to have
23 located in Santa Monica, California.

24 Terry is my constituent, but I know him as more
25 than that. He's a friend. He's a man who is trusted by those
26 people who care about finding win-win solutions to these issues.
27 And since his Agency will be tasked with dealing with not just
28 environmental concerns but all the pollution concerns that we

1 have about California, it's my great pleasure to recommend
2 approval of his appointment because he will, I think, bring the
3 kind of innovation, dedication, understanding, and problem
4 solving skills that he has brought to all of his other work.

5 CHAIRMAN BURTON: Thanks, Senator Kuehl.

6 MR. TAMMINEN: Good afternoon, Senator Burton and
7 Members of the Committee. Thank you for the opportunity to
8 appear here today.

9 And Senator Kuehl, thank you for that very kind
10 introduction.

11 Before we begin, I'd like to introduce my wife,
12 Karen Burell Tamminen, a senior executive at the Screen Actors
13 Guild. My daughter, Jennifer Lunski, a lawyer with U.S.
14 Department of Labor. And our other daughter, who could not be
15 here today, Marisa Borenstein is a principal at Temple Judea in
16 Los Angeles.

17 I mention this because in my work, I try to
18 imagine the world that my daughters will inherit, and it
19 strengthens my resolve to leave California a better place than
20 we found it.

21 I also draw, as Senator Kuehl mentioned, on my
22 experience in the performance of my new duties. And while most
23 people know me for my work over the past 15 years in
24 environmental advocacy, prior to that I was in real estate
25 development, sheep ranching as she mentioned, owned a pool
26 maintenance business in Malibu where I had to make a payroll and
27 deal with skyrocketing Workers Comp costs, and I've authored
28 textbooks on water chemistry and pool maintenance.

1 In applying this experience from Day One at
2 CalEPA, we've streamlined the office of the Secretary into a
3 SWAT team for the environment, working on complex cross-media
4 problems, so we proactively try to solve and prevent pollution,
5 including full use of the Multimedia Work Group, which is an
6 effort that will be seen publicly on Friday as our Environmental
7 Policy Council meets to consider the potential multimedia
8 impacts of a new diesel fuel.

9 Be assured that there will be no loss of effort
10 or vigilance on the core duties of CalEPA to protect public
11 health and the environment, even as we embark on new initiatives
12 to restore California's natural resources. My Undersecretary,
13 Jim Branham -- who is here today as well. I'd like to introduce
14 him -- has been a terrific partner in pursuing these goals.

15 The Governor and I are also committed to proving
16 that jobs versus the environment is a false choice, because a
17 healthy environment leads to a long-term healthy economy.

18 We also believe that environmental protection is
19 a nonpartisan issue. There is no "D" or "R" next to the names
20 of our children.

21 I also recognize that I am but a temporary
22 occupant of the office of Secretary, and that my primary job is
23 to support the work of the fantastic, hard-working employees of
24 CalEPA and its boards, departments and office.

25 I'd like to share a few of our primary goals that
26 we have set for ourselves.

27 First, we are committed to achieve the Governor's
28 call to reduce air pollution up to 50 percent by 2010; to create

1 cost effective means to develop and implement our landmark
2 Greenhouse Gas Law; and to improve air quality long-term by
3 accelerating our transition to cleaner renewable fuels,
4 including hydrogen.

5 Second, we will protect California's water
6 resources from pollution, including protecting and enhancing
7 California's unique coast and ocean habitat by fully
8 implementing TMDL and other regulatory programs that measurably
9 improve our waterways.

10 Third, we will push beyond the state's 50 percent
11 landfill waste diversion goals by prompt implementation of the
12 new E-Waste Law and by finding new markets and new strategies
13 to encourage recycling. Our Integrated Waste Management Board
14 recently instituted new ways to recycle construction waste, even
15 a unique program to recycle Hollywood movie sets.

16 Fourth, working with Secretaries McPeak and
17 Chrisman, we will enhance our parks and open spaces, restore our
18 urban centers, and create incentives for in-fill development,
19 including an aggressive effort to clean up the over 100,000
20 brownfield sites in California, putting them back into
21 productive use while fully protecting the environmental health
22 of our communities.

23 Fifth, given my background in enforcement of
24 state and federal environmental laws through Keeper
25 Organizations and the creation of the Frank G. Wells
26 Environmental Law Clinic at U.C.L.A., it will surprise no one
27 that we will strictly enforce our environmental protection
28 laws.

1 Sixth, we will engage the public at all times,
2 and working with Secretaries Riordan and Chrisman, fully
3 implement the new Environmental Education Law to teach our
4 students about their surroundings and the human footprint upon
5 them. We will also work with the community and stakeholders to
6 fully integrate environmental justice principles throughout all
7 of CalEPA's programs and policies.

8 Shakespeare says that "nature's bequest gives
9 nothing but doth lend." It is my intent to ensure we repay that
10 loan to the next generation with interest.

11 I'm happy to answer any questions you might have.

12 CHAIRMAN BURTON: Senator Johnson.

13 SENATOR JOHNSON: It's always been my position
14 that any Governor ought to have the right to appoint whom they
15 want. On that basis, I'm going to support the nominee.

16 MR. TAMMINEN: Thank you, sir.

17 CHAIRMAN BURTON: Can you describe what the
18 hydrogen highway is, how it's going to be built, and how it's
19 going to be paid for?

20 MR. TAMMINEN: Certainly, sir.

21 The concept of the hydrogen highway is to try to
22 accelerate our transition to a clean alternative fuel, an
23 alternative to petroleum. And the proponents of hydrogen as a
24 transportation fuel have often pointed to the chicken or the egg
25 problem, that no one will build fueling stations if there's no
26 vehicles, and no one will mass produce vehicles if there's no
27 fueling stations.

28 So, the goal here is to provide a baseline

1 network of up to 200 fueling stations by 2010, organized along
2 our interstate highways because that's a system of
3 transportation corridors that are readily available to most of
4 California's citizens, and even-spacing them every 20 miles --
5 that's only 200 stations -- would put stations in easy reach of
6 every Californian, so that by 2010, we could in fact have
7 competitively priced hydrogen vehicles in our showrooms, as have
8 been repeatedly promised by car makers.

9 CHAIRMAN BURTON: Isn't hydrogen dangerous?

10 MR. TAMMINEN: It is much less dangerous than
11 gasoline, especially after 130 years of research and development
12 of gasoline and the internal combustion engine, we still have
13 vehicles that explode, and obviously a great deal of danger from
14 refineries, and so forth.

15 Hydrogen, of course, has to be treated with great
16 respect. It's a combustible gas, but it is significantly safer
17 than petroleum.

18 CHAIRMAN BURTON: I remember like in the seventh
19 grade, whatever it was, that they had us do something in a test
20 tube with hydrogen. Then you lit a match, and it sounded like a
21 cherry bomb fire cracker.

22 Just idle curiosity.

23 MR. TAMMINEN: Not idle at all, sir. If I could
24 take just one extra second just to mention.

25 The University of Miami recently did a test where
26 they took two identical Toyotas. One, however, was powered by
27 hydrogen, one by gasoline. And they drilled a one-sixteenth
28 inch hole in the fuel tank of each and ignited it.

1 And in real-time video, you can go a website
2 called Energy Independence Now dot Org., and you can look at the
3 real-time video of these two vehicles, side by side.

4 The hydrogen under pressure from the tank flames
5 up much like natural gas would on your stove at home, and it
6 burns off harmlessly. In fact, because hydrogen doesn't burn
7 at a very hot temperature, you could have been sitting in the
8 back of that car, you would have been completely unharmed.

9 The gasoline car ignited. Burned for
10 eight-and-a-half minutes. Reduced the entire vehicle to a
11 cinder, obviously also incinerating all of the other toxic
12 components of the vehicle. Would have killed the occupants.

13 So, there's graphic evidence about how much safer
14 hydrogen can be in this application than gasoline.

15 CHAIRMAN BURTON: Sorry I asked the question.

16 [Laughter.]

17 CHAIRMAN BURTON: What role do you see, if any,
18 for the hybrid vehicles? What's the relationship to when you
19 talk about the hydrogen highway? Are we talking about also the
20 natural gas vehicles, the electric vehicles? Is that just a
21 catch-phrase for everything that's fairly clean?

22 MR. TAMMINEN: No. We need to promote those
23 technologies that are here today in the short-term.

24 And frankly, I think, even in the shorter term
25 need to be talking about fuel conservation, because as you can
26 see with the prices going up, our lack of refinery capacity, and
27 the environmental consequences of our dependence on petroleum,
28 we need to reduce the amount that we use. And there's a lot of

1 simple ways to do that. I won't get into the details now, but
2 we are going to launch a campaign similar to Flex Your Power.

3 And then in the midterm, obviously, we need to be
4 hybrids and alternative fuel vehicles, as you suggested.
5 Hydrogen it is a 10-year to 15-year solution.

6 CHAIRMAN BURTON: Are we going to concentrate on
7 like natural gas stations, or electrical charge things along the
8 highway, rather than putting in 200 things, waiting 10 or 15
9 years down the road?

10 MR. TAMMINEN: Well, there are about 300 natural
11 gas stations in the state now, so people can readily purchase
12 those vehicles. Many of those will be co-located then, the
13 hydrogen stations will be co-located with natural gas.

14 Many of the stations will also be energy stations
15 rather than just fueling stations waiting for a use.

16 CHAIRMAN BURTON: We recently passed a bill by
17 Senator Cedillo, that was more in skeleton form, to deal
18 basically with the brownfields and try to figure out how to deal
19 with fairly controversial problems.

20 Your Agency, and I don't know if this was before
21 you, after you, or during you, but issued basically two
22 different working drafts of proposed amendments. One was
23 consistent with what we were thinking. One looked like it was
24 going to weaken the bill.

25 Was this done under the old regime, under your
26 regime, or have you figured out which of the two you really
27 like?

28 MR. TAMMINEN: A combination of all, Senator. I

1 mean, we've been working very closely with all the various
2 proponents of these bills and the different pieces, trying to
3 reconcile --

4 CHAIRMAN BURTON: What about some of the
5 opponents? They weren't like, you know, the problem with the
6 bill was, as Senator Cedillo could tell you, it took an
7 inordinate amount of his time. It wasn't like everybody was for
8 them, and it was just a matter of this. There were people who
9 were for the concept but had grave questions.

10 So, have you figured out which of the two
11 approaches you like, or was one from you and one from Davis, or
12 what?

13 MR. TAMMINEN: Well again, Senator, it's not --
14 I'm not aware of two separate approaches. I'm aware of about
15 eight separate problems that are being reconciled with great
16 working groups that are dealing with issues, including some
17 limited liability relief, including inventory issues. And we're
18 working now on the kind of legacy groundwater plume issues, when
19 the plume goes well beyond the particular brownfield site.

20 Patty Zwarts and Rick Brausch on my team are
21 working very closely with the various proponents and opponents
22 to try to reconcile this into one package that we can all agree
23 on.

24 CHAIRMAN BURTON: Do you know what the current
25 status of the new water rights application on the Russian River
26 is?

27 MR. TAMMINEN: Well, there's a -- the watershed
28 of course is very complex, as you know. And I realize that

1 there's been a flood, if you will, of recent applications. A
2 special unit has been set up within the Water Board --

3 CHAIRMAN BURTON: A flood is what you get when
4 you're dealing with the Russian River.

5 MR. TAMMINEN: I apologize for that.

6 A special group has been set up within the Water
7 Board to try to deal with this, and we're also looking at
8 enforcement, I think.

9 You may be aware of the fact that --

10 CHAIRMAN BURTON: It actually was just idle
11 curiosity because I spent a lot of time up there in my youth.

12 MR. TAMMINEN: Well, there's a number of --

13 CHAIRMAN BURTON: The Forest Service is expected
14 to increase logging in the Sierra up to 300 percent.

15 What could your Agency do to address the
16 cumulative effect this would have on wildlife habitat, when
17 combined with projected increase in logging by Sierra Pacific?
18 How is your Agency and the Resource Agency going to look at
19 what's going to be cumulative effect of something that starts
20 without any control of yours, except maybe to say wish you
21 wouldn't have done it?

22 MR. TAMMINEN: Well frankly, SB 810 is going to
23 be a valuable asset in that regard to make sure that the
24 activities do not cause or contribute to an impairment of a 303
25 de-listed waterway.

26 I think that's kind of our canary in the mine
27 shaft, if we can protect the beneficial uses of the waterways,
28 that will be a pretty good indicator that the rest of the

1 habitat is likely to be similarly protected.

2 But in the first three weeks I was in office,
3 Undersecretary Branham and I went up to the north coast. I know
4 you're speaking about the Sierras, but as a place to begin, we
5 went up and visited with three of the landholders up there, with
6 several stakeholders, enviros, and community members, and
7 members of the regional board and State Board, to start looking
8 at how we can implement guidance for the regional boards on SB
9 810, whether it's in the Sierras or whether it's on the north
10 coast. And that's a very important continuing project of ours.

11 CHAIRMAN BURTON: Just as long as you brought it
12 up, and your chief deputy is Mr. Branham?

13 MR. TAMMINEN: Yes.

14 CHAIRMAN BURTON: And a chief deputy's
15 responsibilities are?

16 MR. TAMMINEN: He does a lot of the general
17 management of the Agency day-to-day. Helps me with policy
18 issues. Works on legislative issues. He's been a terrific ally
19 and asset in all regards of working in the Agency.

20 CHAIRMAN BURTON: And he's left his past behind
21 him?

22 MR. TAMMINEN: Well, I think all of us bring our
23 past with us, Senator, in terms of our experience.

24 CHAIRMAN BURTON: We can remember it, life
25 experience, but our allegiance is to the people of this great
26 state.

27 MR. TAMMINEN: I am confident that that's where
28 Jim Branham's allegiances are, sir.

1 CHAIRMAN BURTON: One question, the local
2 assistance bond funds, our analyst found out that there's still
3 a lot of bond money that goes back as far as 1984, which seems
4 to be -- it's been appropriated and never expended. Part of
5 it's due to staffing reductions.

6 And the State Water Resources Control Board,
7 there's over 667 million appropriated, and only 51 million
8 encumbered.

9 What can we do to get that money out to these
10 locals?

11 MR. TAMMINEN: We're working on that. In fact,
12 since coming over to CalEPA, we've worked with the Water Board
13 to try -- we've gotten a legal opinion that many of these can be
14 issued in the form of grants -- contracts rather than grants.
15 So, we're able to cut the amount of the time from 30 months down
16 to 8 months.

17 I think you're going to see -- again, I hate to
18 use the term "flood" -- but a lot of this money move out the
19 door much more rapidly.

20 CHAIRMAN BURTON: One of the problems is, when
21 you put bond issues on, or whatever, you promise people
22 something's going to happen, and they don't get it, and then
23 they figure why vote to encumber them, you know, pay the tax
24 money on the bonds, and the bonds aren't benefitting them.

25 I know that there's certain areas where people
26 can be hired out of bond money, but maybe that's like you hire
27 architects out of school bonds, or something. But you cannot
28 use the bond money for the people that process the bonds and do

1 that stuff and get it out.

2 MR. TAMMINEN: Right. Well, Senator --

3 CHAIRMAN BURTON: That means I'm right, you
4 cannot?

5 MR. TAMMINEN: Right.

6 Listen, having been on the other side of this
7 coin in many instances, with nonprofits who believed that they
8 had received grants and had to go out-of-pocket for funds, and
9 then wait, essentially, for reimbursements, I can tell you, I
10 feel this pain. And so, we're working to make sure that this
11 moves much more rapidly and efficiently.

12 CHAIRMAN BURTON: Witnesses in support, quickly.

13 MR. WAIYA: Thank you, Senators, Chairman,
14 Members.

15 My name is Mati Waiya. I'm a Chumash ceremonial
16 leader with the maritime culture out of Ventura County.

17 When I first met -- I wrote this down because I
18 wanted to try to say as much as I could without forgetting.

19 When I first met Terry near a harbor in Marina
20 Del Rey, I didn't think I was going to have a life-changing
21 experience. I met a mentor and a friend that day. We met to
22 talk about a fundraiser dinner presentation with the Dolphin
23 Dancers, a Chumash ceremonial tradition.

24 It didn't take long for Terry to convince me
25 about how important it was to protect our environment. He had
26 me hooked before I knew it.

27 In our early years, we attended a restoration
28 advisory board meeting at Point Magu Naval Air Station. We were

1 members by end of the evening, but not before a small
2 confrontation. Terry asked about a report due for approval
3 after the weekend. This was on a Friday. When told he would
4 have to wait until the following week, Terry mentioned that it
5 would be too late to review and comment on the report addressing
6 contaminated soils in water in the lagoon at Point Magu.

7 In the late '50s and '60s, these areas were used
8 as dump sites.

9 Terry volunteered me to join him in chaining
10 ourselves to the gates, with media present. To make a long
11 story short, we had the report by the end of the night and were
12 able to join the restoration and advisory board.

13 Terry has inspired environmental organizations,
14 individuals, volunteers, and local leaders. He created a string
15 of Water Keepers nationwide, now over 120 programs with the
16 International Water Keeper alliance headed by Robert Kennedy,
17 Jr.

18 Terry's work with the wetlands restoration has
19 improved our environment's spirit and body. In our culture, the
20 Chumash believe that the three bodies of land, water and air
21 wouldn't exist without the other.

22 Terry, you're truly an equal warrior. When I
23 prepare for a ceremony to honor the changing of the seasons, or
24 protecting our resources, I put on my regalia of eagle feathers
25 and instruments from the alderberry tree or shell rattles.

26 You put on your suit and tie -- maybe not your
27 tie. Your staff filled with ink is powerful. It will leave a
28 legacy hard to match. Our beautiful state will prosper with

1 your vision.

2 Our children are born innocent and pure, just
3 like our land was. Our children deserve that. I trust in your
4 efforts.

5 I am honored to be your friend, and I'm honored
6 to call you my brother.

7 Thank you.

8 MR. TAMMINEN: Thank you.

9 CHAIRMAN BURTON: Next witness, please.

10 MR. EPSTEIN: Thank you, Senators.

11 My name is Bob Epstein. I'm the co-founder of
12 several California technology companies. I'm also the
13 co-founder of Environmental Entrepreneurs Through E2, which is a
14 national group of business people interested in the economic
15 benefits of good environmental policy.

16 Today I'm representing our 375 California members
17 who come from venture capital, the computer industry, real
18 estate, financial services, and other industries all to support
19 the appointment of Terry Tamminen to the position of Secretary
20 of CalEPA.

21 I've worked with Terry now for a couple of years,
22 and I think one of the real advantages, a lot of the big ideas
23 he's proposed for California, such as, you know, finishing
24 dealing with -- not finishing, but dealing with climate change,
25 renewable energy, clean cars, the clean air program like Carl
26 Moyer. It's going to require someone who understands business,
27 can work with business people, but also is willing to carry a
28 big stick.

1 I know from personal experience that Terry can do
2 this extremely well, and we all urge you to confirm his
3 appointment today.

4 Thank you.

5 CHAIRMAN BURTON: Thank you.

6 MS. NOTTHOFF: Ann Notthoff with Natural
7 Resources Defense Council.

8 I wanted to draw the Committee's attention to a
9 support letter from over 17 environmental groups endorsing the
10 confirmation of Secretary Tamminen for CalEPA.

11 I also have been asked by the California League
12 of Conservation Voters, the Coalition for Clean Air, and the
13 Climate Registry to specifically mention their strong support.

14 Very briefly, Terry Tamminen knows his stuff. He
15 knows about water. He knows about air. He knows about toxics.
16 He's got big ideas, and I think we're going to need somebody who
17 can really fight for those big ideas in this administration and
18 in the climate that we find ourselves in with budget constraints
19 and all.

20 So, we are excited to be working with Secretary
21 Tamminen, and we, the environmental community, is strongly in
22 support of his confirmation.

23 MR. RENTZ: Mark Rentz, California Forestry
24 Association.

25 We, too, support the confirmation of Terry. In
26 the short time we've gotten to know him, we're appreciative of
27 the fact that he has been open to hearing our perspective,
28 asking the important questions, and taking all the information

1 into account as he makes decisions.

2 But what's most impressive to us is, Terry's
3 gathered that information together not just from behind a desk
4 in Sacramento, but being willing to put on his jeans and his
5 boots and go up to the woods and learn the information and
6 answer the -- get the questions answered that he needs
7 first-hand on the ground. We'd encourage others to do the same.

8 Thank you very much.

9 MS. JORDAN: Susan Jordan for the California
10 Coastal Protection Network.

11 I've had the honor of working with Terry since
12 his days at the Santa Monica Bay Keeper, through his tenure in
13 Environment Now, and now in his role as the Secretary of
14 CalEPA.

15 Terry is inclusive of diverse opinions. He's a
16 visionary thinker, and he's a strong decision maker, and I think
17 he's exactly what California needs. He's the right person at
18 the right time for the right job.

19 We support his confirmation. Thank you.

20 MR. GUALCO: Mr. Chairman and Members, Jack
21 Gualco on behalf of the California Council for Environmental
22 Economic Balance and a number of other clients indicated in the
23 letter the Committee received dated April 23rd in support of
24 Secretary Tamminen.

25 The people are clammoring for a former sheep
26 farmer to be the new Secretary of CalEPA.

27 [Laughter.]

28 CHAIRMAN BURTON: Very big in Solano County.

1 MR. GUALCO: Absolutely.

2 Thank you, Mr. Chairman.

3 MR. READ: Thank you, Mr. Chairman and Members.

4 Aaron Read, representing CDF Firefighters and 3M Corporation,
5 both of whom were excited to work with Secretary Tamminen. The
6 Firefighters actually do have some crossover.

7 And we're also pleased, and I'd to say a word
8 about his Undersecretary Jim Branham. He's been very
9 supportive. He used to be the Chief Deputy of CDF and
10 understands that agency well, so it'll actually make the
11 communications between those two agencies much smoother.

12 So, we're proud to be here to support the
13 Secretary.

14 MR. WHITE: Mr. Chair and Members, John White,
15 representing the Sierra Club and the Clean Power Campaign.

16 We strongly support Terry's confirmation and look
17 forward to working with him. We've known him for awhile, and
18 are just thrilled at the energy, and hard work, and teamwork
19 that he's inspiring across the lines, and getting people to work
20 together. And we look forward to great things getting
21 accomplished on his watch.

22 We urge your support.

23 CHAIRMAN BURTON: Witnesses in opposition?

24 Hearing none, move the nomination.

25 SECRETARY WEBB: Senator Karnette.

26 SENATOR KARNETTE: I didn't get to comment.

27 CHAIRMAN BURTON: I'm sorry.

28 SENATOR KARNETTE: That's okay.

1 CHAIRMAN BURTON: I thought you did ask a
2 question.

3 SENATOR KARNETTE: No, I didn't.

4 I wanted to know in your book on cleaning
5 pools --

6 [Laughter.]

7 SENATOR KARNETTE: -- if it had any kind of a
8 story line, because your wife could have helped you and get more
9 readers that way.

10 SENATOR JOHNSON: He'll get her help when they
11 make a movie out of it.

12 [Laughter.]

13 MR. TAMMINEN: I think I know who I want to have
14 starring as me.

15 SENATOR KARNETTE: Actually, I wanted to
16 compliment you, though, on what you said about education.

17 I think it's really important to get as much
18 information as you can into the educational system, and the
19 younger the better because children who grow up with an idea of
20 what the environment is all about, and how we can save it,
21 really pays off.

22 And I'm glad you're doing that.

23 MR. TAMMINEN: Thank you, Senator.

24 SENATOR KARNETTE: I vote Aye.

25 SECRETARY WEBB: Karnette Aye. Senator Johnson.

26 SENATOR JOHNSON: Aye.

27 SECRETARY WEBB: Johnson Aye. Senator Burton.

28 CHAIRMAN BURTON: Aye.

1 SECRETARY WEBB: Burton Aye. Three to zero.

2 CHAIRMAN BURTON: Congratulations.

3 [Thereupon this portion of the
4 Senate Rules Committee hearing
5 was terminated at approximately
6 2:38 P.M.]

7 --ooOoo--
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

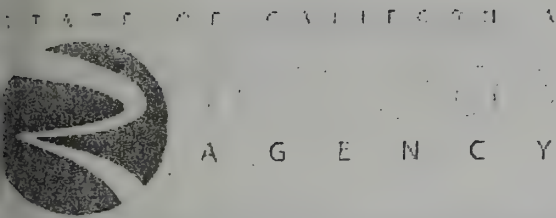
That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

30th day of August, 2004.

Evelyn J. Mizak
EVELYN J. MIZAK
Shorthand Reporter



ARNOLD SCHWARZENEGGER, Governor
MIKE CHRISMAN, Secretary

April 2, 2004

The Honorable John L. Burton
Chairman, Senate Rules Committee
State Capitol, Room 420
Sacramento, CA 95814

Dear Senator Burton:

Thank you for your March 16, 2004 letter indicating that the Senate Rules Committee has initiated the confirmation process for my appointment as the Secretary of the Resources Agency.

As Secretary, I am fully committed to the Resources Agency mission: to restore, protect and manage the state's natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all the communities and interests involved.

I appreciate the questions that have been provided by you and other Senate Rules Committee members and look forward to our discussions on these important topics. In responding to your questions, I have attempted to touch upon the key elements of the inquiry—should you or any other member of the committee wish to discuss any issue in greater detail, I would be pleased to do so.

My responses to questions outlined in your March 16, 2004 letter are provided below:

1. *Please provide us with a brief statement of goals. What do you hope to accomplish during your tenure as Secretary of the Resources Agency?*

I am humbled and honored to have the opportunity to serve the people of California as Secretary for Resources and work with the dedicated career professionals at the Agency and its constituent departments, conservancies, boards and commissions. As we plan for meeting our resource stewardship responsibilities into the 21st Century, population and other pressures place new challenges—as well as opportunities—for the preservation and management of California's precious natural, historic and cultural resources.

APR 02 2004

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>

Baldwin Hills Conservancy • California Bay Delta Authority • California Coastal Commission • California Conservation Corps • California Tahoe Conservancy
Sacramento Valley Mountains Conservancy • Colorado River Board of California • Delta Protection Commission • Department of Boating & Waterways • Department of Conservation
Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation • Department of Water Resources
Energy Resources, Conservation & Development Commission • Native American Heritage Commission • San Diego River Conservancy
San Francisco Bay Conservation & Development Commission • San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy • San Joaquin River Conservancy
Santa Monica Mountains Conservancy • State Coastal Commission • State Lands Commission • Wildlife Conservation Board

The Honorable John L. Burton
April 2, 2004
Page 2

A vibrant economy and healthy environment can do more than coexist—I strongly believe that they both can flourish in California. In order for this to occur, it will require innovative approaches that simultaneously deliver environmental and economic benefits. Innovation is best accelerated by reaching out and becoming partners with all of our constituents in an open and inclusive manner.

Consistent with the Governor's vision for the environment, I believe that we have a unique opportunity before us. For example, thoughtful implementation of strategies to improve our marine life via special adaptive management techniques and protected areas as well as stopping further offshore oil development will improve the health of our oceans as well as our economy by boosting tourism and fisheries.

Through reinvigorating CALFED and the Bay-Delta Authority, we can better manage and integrate California's water supplies for multiple benefits: better water quality and reliability means more timely water for the environment, agriculture, municipal and industrial users.

Our Agency will also focus on promoting a reliable energy system, with an emphasis on clean, renewable sources that will provide certainty, predictability and affordability to businesses and individuals. Greater energy efficiency, incentives, renewable energy, and public-private partnerships can all play a role in providing for California's energy needs in an environmentally sound manner.

By working together through innovative partnerships, we can improve habitat for all living things. Better open space and park opportunities in highly populated areas can improve the quality of life in our inner cities and foster redevelopment of our urban core while reducing encroachment into California's wild, forest or agricultural lands.

2. How are you participating in the Governor's proposed review of governmental organization? What are your priorities for change or what boxes should be "blown up?"

As the Governor has stated, the goal of the California Performance Review (CPR) is to make California the first true 21st century government in America—a government that is as innovative and dynamic as the state itself. The CPR offers a unique opportunity for us to ensure that our state government is as responsive and accountable to the citizens of California as possible. We all have an important stake in more effective and efficient delivery of government services to the public.

The Honorable John L. Burton

April 2, 2004

Page 3

A Cabinet Member's role is to seek out and solicit from the widest diversity of perspectives possible, the best thinking on the job at hand, and encouraging that the maximum amount of sunshine falls on all suggestions as to how we can do better. At almost every opportunity I have encouraged Members of the Legislature, government employees at all levels, the panoply of interest groups, private sector and members of the public to share their observations and best ideas as to how our state government might be better configured to meet the challenges of the 21st century. There is great value in regularly asking ourselves who we are serving, what are their needs—current as well as future—and are we aligning programs and resources to best meet the needs that are identified going forward.

The Resources Agency and in many cases, its constituent entities were originally created more than four decades ago (October 1961) to best meet the resource priorities that we were confronting at that time. The challenges we face today and might foresee in the future are different than when this agency was established. Therefore, it is prudent to re-evaluate how our programs are structured to meet these challenges to preserve and protect our environment.

Priorities are largely self-evident. For example, our state's future energy needs have changed significantly since we established state governmental entities to address energy challenges in the past. The Governor has raised a fair question in wondering whether the 13 different state agencies that handle energy issues now are configured to successfully meet our future energy requirements.

3. What process will you use in making decisions on the use of bond funds for your agency? What priorities do you have for the use of bond funds?

The processes for the overall expenditures of the majority of the bond funds from Propositions 12, 13, 40 and 50 are stipulated within the implementing statutes. We are abiding by the processes required by the legislature. We are also coordinating closely with CalEPA and all the appropriate Boards and Commissions to ensure the most effective and efficient use of the funds.

The process we are proposing for the expenditures of the bond funds for the River Parkways and Sierra Nevada Cascade portions specifically, is as follows: 1) a technical committee will be convened to work with staff to define program criteria, priorities and draft guidelines, 2) public workshops would then be held on the draft guidelines and, 3) consideration of the public input would then be incorporated into the final guidelines. These guidelines would be used for both noncompetitive and competitive grant awards. We propose that half of the funds be awarded on a noncompetitive basis by the Secretary (Secretary's Opportunity Grants) and half of the funds be awarded on a competitive basis. For the competitive portion, proposals would first be solicited, then a

The Honorable John L. Burton
 April 2, 2004
 Page 4

technical committee would evaluate and score the projects. Site visits would be performed on semi-finalists to determine final project scores and then recommendations would be made to the Secretary for funding.

Priorities for the use of these specific bond funds are not identified, as of yet, that would be part of the work of the technical committees for each program to develop.

4. *How is your agency overseeing the collection of the State Responsibility Area fees? If the fees are not collected how will the department's budget be affected and will its ability to suppress wildland fires be diminished?*

We have directed the California Department of Forestry and Fire Protection (CDF) to proceed with the collection of the State Responsibility Area fees. The assessments are intended to appear on landowners fall tax bill. CDF has assigned a core team including Project Manager Dean Cromwell and representatives from Fire Protection, Legislation, Administration, and Public Information to oversee the project. We are contracting with two companies for development of the actual data and processes necessary to collect the fees. If CDF does not receive funding from these fees or some other source, its ability to suppress wildland fires will be significantly reduced. Fires will 'break out' more often, become larger, do more damage, and ultimately cost the General Fund much more for fighting those larger fires.

5. *What is your plan to oversee the Department of Forestry and Fire Protection's requirement to appoint the stakeholder group to recommend changes in the State Responsibility Area fee structure and other related fire policy questions that were raised in last year's budget deliberations?*

We do consider stakeholder input and involvement a very important element in finalizing a permanent SRA fee. It is our priority to first implement the collection of the SRA fee. The stakeholder group can look at a fee structure that considers the reasonable value of the benefit received by landowners and to assure the fees collected equal the funding reductions in CDF's budget. After the necessary work to collect the fee is completed, it is our plan to focus on stakeholder input and recommendations.

6. *How is your agency proceeding in developing CALFED beneficiary fees that were discussed in last year's budget hearing? Who are the beneficiaries?*

A fundamental priority of the Bay-Delta Program is to maintain a balanced and integrated program. Developing a long-term finance plan that enables the Program to continue implementation in a balanced manner is critical to achieving Program goals.

The Honorable John L. Burton
 April 2, 2004
 Page 5

Working with a group of consultants, a panel of financial experts, and stakeholder input, the Bay-Delta Authority is developing a set of finance options for each program element, consistent with the "beneficiaries pay" provision of the CALFED Record of Decision. Toward this end, we have been working on a series of reports that will culminate in a Financing Options Report. These include:

- Summary of CALFED Finance Planning Efforts and Next Steps – March 2003
- Framework and Issues Report – October 2003
- Draft Finance Options Report – Spring 2004
- Final Finance Options Report – Summer 2004

We are just completing a draft Finance Options Report, in compliance with last year's budget bill, AB 1765.

The Bay-Delta Authority staff is convening an Independent Review Panel to review and comment on each of the above reports. Staff recruited up to 8 nationally and/or internationally recognized experts with a balance of academic and practical experience regarding public financing. The Panel will be asked to review and comment on the finance plan framework, principles, and options developed by staff and consultants. The final finance plan will also be developed with agency, stakeholder, public, and legislative involvement. We recognize that future financing decisions for program implementation will be ultimately made by the Legislature and California voters.

The beneficiaries of CALFED implementation vary according to the program element. Some programs, such as ecosystem restoration, are entirely of public benefit. Other programs, such as the storage program, will offer a mix of broad public benefits and benefits that are more narrow in scope, such as benefits to water customers who may receive a project's yield, or those that benefit from an Environmental Water Account.

7. *What is the plan to fund CALFED now that the state is relying on bond funds instead of General Fund monies? How will the \$6 billion in identified projects be funded?*

Implementation of the CALFED program has always relied on a mix of funding sources including bond funds and general fund monies. The bond funding helps us weather more difficult budget cycles. Thus, some CALFED program elements will be able to move forward with implementation, and contribute to the State's economy during these times of austerity, by funding local projects that achieve CALFED objectives. Additionally, we are working with our federal partners to encourage more active financial participation.

The Honorable John L. Burton
April 2, 2004
Page 6

A significant challenge for CALFED has been finding ways to achieve balanced implementation of the program when some program elements, such as the levee system integrity program or the drinking water quality program, do not enjoy the same level of bond funding as other program elements.

We recognize the seriousness of this issue, and how it can jeopardize the balanced implementation that must continue to be a hallmark of the CALFED program. This is why the Bay-Delta Authority has placed such a high priority on completion of a Financing Options Report. These are issues that are being addressed by the Bay-Delta Authority in its report, and we expect spirited public discussion of options to follow its release.

8. How is the Napa Proposal proceeding?

The Napa Proposal began as an effort by the Department of Water Resources and the U.S. Bureau of Reclamation to propose ways to improve water supply reliability provided by the state and federal water projects, without undermining water quality and ecosystem restoration programs. The Napa Proposal is not a decision document. It is a proposed set of operating rules that will be fully evaluated through an extensive public review process, and as part of a comprehensive set of actions.

I recognize the strength of the CALFED program is that it offers the opportunity for each interest to make progress without requiring other interests to sacrifice or lose ground. That is the only way our Delta actions can move forward.

The CALFED agencies are now discussing issues raised by stakeholders on these proposals, and I expect that we will be able to move forward with broad support later this year, issuing draft and final environmental documents. We recognize the need for collaborative decision-making as we move forward.

9. How will your agency and the Department of Forestry go about implementing SB 810?

The Department of Forestry and Fire Protection has issued a memo to the Timber Harvest Plan (THP) review team staff outlining: 1) how to incorporate the provisions of the SB 810 process into the THP review process and, 2) advise plan submitters of how the appeals process will work. A copy of this memo is attached. In addition, we plan to coordinate and cooperate with CalEPA on implementing SB 810.

The Honorable John L. Burton
April 2, 2004
Page 7

10. Are there efficiencies and ways to reduce costs in coordinating Department of Forestry and regional water board reviews of timber harvesting plans? How can these reviews be coordinated?

For the North Coast Region, the Department of Forestry and the North Coast Board are working on a process to support issuance of waivers or Waste Discharge Requirements (WDR) through utilization of the THP functional equivalency process to meet the California Environmental Quality Act (CEQA) procedural requirements. A meeting is scheduled for April 9th to discuss options which might be available.

For the Central Valley and Lahontan Regions, those Water Boards will continue to utilize the existing waiver process. THPs will continue to be forwarded to the Water Board and reviewed by Water Board staff according to criteria established as part of the existing waiver process.

For the Central Coast Region, CDF has offered to cooperate with the Water Board staff to utilize the Soquel Demonstration State Forest as a testing ground for development of appropriate and cost effective monitoring methodologies. The desired outcome is to develop monitoring strategies that can be tailored to the potential project impacts and risks.

11. How do you plan to fund the removal of dead and dying trees in southern California and those dying of Sudden Oak Death in northern California?

Funding for dead tree removal in southern California has come to us through a series of federal appropriation bills.

For fiscal year 03-04, we have received a federal Forest Health grant of \$3.01 million. Of this initial grant \$150,000 was targeted for dead tree removal. The balance of the funding was directed to public information and education, GIS database work, and vegetation/fuel reduction treatments. Work under this grant has just begun.

For fiscal year 04-05, federal funding for State and Private Forestry totals \$49.9 million. Actual on the ground work utilizing these funds will not begin until the 04-05 fiscal year. We have requested the Forest Service to work with local jurisdictions for delivery of approximately \$30.8 million of these funds.

The balance of the \$19.1 million funding will be delivered by the state over a 3 to 5 year period. These expenditures will support dead tree removal and rehabilitation efforts and projects such as: support of state nurseries, restoration and replanting, watershed restoration, and support of local fire districts.

The Honorable John L. Burton
 April 2, 2004
 Page 8

Additionally, I joined U.S. Representative Jerry Lewis and the U.S.F.S. at their announcement of a \$150 million federal grant on February 18, 2004 to help southern California wildfire recovery efforts and address the tree mortality emergency in Los Angeles, Riverside, San Diego, San Bernardino and Ventura counties. The state will work with the Natural Resource Conservation Service (NRCS) in administering these funds appropriately.

In northern California, Marin County has entered into a contract with CDF for Sudden Oak Death (SOD) Hazard Tree Assessment, Removals, and Restoration. Marin County then contracts with the other counties who seek funds for SOD hazard tree removal. Marin County has undertaken several evaluations of fire behavior in SOD impacted stands and found no greater fire risk. The Marin County contract is for \$2,046,000 and runs through March 2005. These funds were provided by the state.

Additionally, we have funded a number of activities which include: SOD assessment, inventory, regulation activities, laboratory analysis of samples, mapping and database development, Oak Mortality Task Force coordination and education events and materials and publications, SOD research in conjunction / cooperation with USFS PSW research station, and the SOD Buster utilization and disposal program for SOD infected plant material. These state funded activities total about \$3.6 million and will be ongoing through March 2005.

The federal government is providing \$7.4 million in funding for Sudden Oak Death in 2004 for research, inspection, enforcement and monitoring.

12. The U.S. Forest Service is expected to increase logging in the Sierras by up to 300 percent. What cumulative effect will this have on water quality and wildlife habitat when combined with the projected increase in logging by Sierra Pacific Industries?

Assessing the potential cumulative effects on water quality and wildlife habitats across the Sierra Nevada is a topic of considerable concern to both the Resources Agency and CalEPA. As you can imagine, we are very interested in ensuring that both proposed Forest Service actions, as well as THPs that are regulated by the State, will protect both water quality and wildlife habitats.

Although USFS proposed harvest levels are expected to increase 300%, it will only represent half of the annual USFS harvest levels from 1986 to 1992. Forest Service biologists and other specialists will work in each harvest unit to ensure that the completed harvests maintain or improve wildlife habitat. It is our understanding that this increase in harvest is projected to be from thinnings to reduce risks of wildfire and will not include any trees larger than 30" in diameter.

The Honorable John L. Burton
 April 2, 2004
 Page 9

The USFS is not proposing any traditional clear-cuts and will be operating with strict stream protection and wildlife habitat protection goals. As the USFS moves ahead with implementation of the Sierra Nevada Framework, the Resources Agency will work closely with the USFS effort to ensure the quality of implementation in terms of wildlife habitats, community safety and broad based public support for forest management. We are committed to working with the US Forest Service to ensure that their plans will reduce the impact of large scale wildfires and any cumulative effects on California's forest lands.

With regard to the operations of Sierra Pacific Industries, much of the increase in harvested acres by that company is primarily a result of their acquisition of lands previously owned by other timber companies. The Department of Fish & Game (DFG), CDF, and the Water Boards have been monitoring water quality and wildlife habitats both during and after harvest operations. They have not noted any noticeable cumulative water quality or wildlife habitat impacts. CDF will continue monitoring the intensity of proposed timber harvests and their cumulative impact on watersheds.

13. What is the current forecast for energy demand and supply over the next several years? When are the problems in the supply expected?

Electricity

Since 1996, the State has licensed 46 power plants with a total project capacity of 18,744 megawatts. Of those facilities, 24 are on line producing 8,311 megawatts. There are currently twelve plants with a capacity of approximately 4,000 megawatts in the Energy Commission's licensing process. (One megawatt is enough electricity to supply 1,000 homes.) California has adequate supplies of electricity to meet electricity demand under hotter than normal temperatures through the summer of 2006.

In bringing new natural gas fired and renewable energy power plants on line in coming years, California will be less dependent on the market and the California Public Utility Commission's procurement process.

Natural Gas

California is the nation's second largest consumer of natural gas. 85 percent of our supply comes from outside the State with 28.2 percent coming from Canada, 43.4 percent from the Southwest and 11.4 percent from the Rocky Mountain area.

<http://www.energy.ca.gov/html/energysources.html>

Natural gas demand in California is projected to increase as a result of the growing use of natural gas for electricity generation. In the short and medium term, we are investigating the benefits of importing Liquefied Natural Gas (LNG) into California.

The Honorable John L. Burton
April 2, 2004
Page 10

The Energy Commission forecasts that under average annual conditions interstate pipeline capacity is adequate to meet demand through 2013 in Southern California and through 2007 in Northern California. Meeting peak day demand under extreme weather conditions may require infrastructure investments even earlier.

Gasoline and Diesel

California is the second largest consumer of gasoline in the world, second only to the United States.

Over the past 20 years, the demand for gasoline and diesel has increased 53 percent. The State became a net importer of gasoline in 1996 and currently imports approximately 10 percent of our gasoline to meet the demand and imports are projected to grow to 20 percent by 2010. California consumes nearly 50 million gallons of gasoline and diesel daily, accounting for almost half of all the fossil fuel energy consumed in the United States each year.

The factors contributing to this increase in gasoline consumption include population growth, increase in the number of on-road vehicles, land-use patterns that place jobs and housing farther apart, shift to larger, less fuel efficient motor vehicles, and the lack of viable and cost-effective alternatives to petroleum fuels. Gasoline and diesel demand is projected to grow at approximately 2 percent per year.

Because supply and demand is so precariously balanced, gasoline supply problems and price spikes occur whenever there is a refinery or infrastructure problem. Without new infrastructure additions, this situation will get worse.

14. How can renewable energy supplies, retrofitting of old generating plants and improved building standards improve air quality? What are your agency's plans to improve air pollution?

Any action to reduce the demand for fossil-fueled energy will improve air quality. Many types of renewable energy will displace fossil-fueled electricity power plants. Increasing energy efficiency in buildings will both reduce electricity demand and the consumption of natural gas. Retrofitting older generation plants can reduce air pollution and save natural gas consumption, as the newer plants are more efficient.

The Honorable John L. Burton
 April 2, 2004
 Page 11

The Resources Agency is working with the Energy Commission to continue to improve its building and appliance standards and develop new technologies to save energy. In the Integrated Energy Policy Report (IEPR) the following recommendations were made and we welcome the opportunity to pursue these concepts:

The state should ramp up public funding for energy efficiency programs above current levels to achieve at least an additional 1,700 megawatts of peak electricity savings and increase funding for natural gas efficiency programs to achieve an additional 100 million therms of reduction.

The state should adopt a goal of reducing demand for on-road gasoline and diesel to 15 percent below 2003 levels, influence Congress and US Department of Transportation to double the fuel economy of cars and light trucks by 2020 and increase the use of non-petroleum fuels to 20 percent of on-road fuel consumption.

The state should account for the cost of greenhouse gas emission reductions in utility resource procurement decisions and use sustainable energy and environmental designs in all state buildings.

15. How will last year's fee increases and the increases projected for June effect park attendance? Will any park facilities be closed?

Fee increases are always a challenge to balance with visitor experience and use. Our estimates for revenue were built assuming a 15% reduction in visitation. We hope that this is a conservative estimate. To date, the Department has not seen a decrease in reservations, but will be monitoring visitation closely and will report back if actual visitation is lower than anticipated.

We do not anticipate closing any park facilities.

16. Is the Department of Parks and Recreation contemplating the sale of any property? If so, which ones?

The Department of Park and Recreation is not currently contemplating the sale of any property. The annual surplus property bill requires that DPR do a routine "housekeeping" of inventory and so occasionally some real estate is deemed surplus to our needs, but none at this time.

The Honorable John L. Burton
April 2, 2004
Page 12

In summary, I am honored to have the opportunity to serve Governor Schwarzenegger and the people of California as Secretary of Resources. On the Governor's behalf, I look forward to working with members of the Senate Rules Committee and the Legislature to address key challenges and opportunities to provide a cleaner, safer environment for generations of Californians to come.

Sincerely,

A handwritten signature in black ink that reads "Mike Chrisman". The signature is written in a cursive, flowing style.

Mike Chrisman
Secretary for Resources

Attachment (1)

Memorandum

DRAFT

Date: January 21, 2004
R1

Telephone: (916) 653-4298

Website: www.fire.ca.gov

om:

William E. Snyder, Deputy Director
Resource Management
Department of Forestry and Fire Protection

bject: SB 810 Implementation

This memo is intended to provide direction regarding Department implementation of SB 810. This legislation becomes effective January 1, 2004. SB 810 amends Sections 4514.3, 4582.7 and 4582.75 and adds Section 4582.71 of the Public Resources Code.

Under the added provisions of the bill, per 4582.71 (a) the Department may not approve a timber harvesting plan if a regional water quality control board finds, based on substantial evidence, that timber operations proposed in the plan will result in a discharge to a 303(d) watercourse, that causes or contributes to a violation of the regional water quality control plan. This provision expands the role of the regional water quality control board in the decision process by providing the board authority to require that a plan be denied based on its independent determination substantial evidence exists in the record that planned timber operations would result in a discharge in violation of the basin plan.

Under the provisions of 4582.71 (b), the regional water quality control board's authority may be delegated to the executive officer. The executive's officer's decision is subject to review by the regional water quality control board, and this review constitutes the "appeal" process available to the project proponent in those instances where the plan is denied or will be denied based on a determination by the executive officer.

Procedurally, it is the Department's expectation that regional water board staff will participate fully in the review process and advise the Department and plan submitter immediately upon identification of an issue or condition which may trigger a regional water board finding under SB 810. However, if such a finding is ultimately made, under the provisions of 4582.71 (c), the regional board or the executive officer of the board is to notify the Department in writing and identify the issues which lead to the finding that the plan can not be approved. This written notification must be provided prior to the end

of the close of the public comment period. The written notification to the Director required pursuant to PRC § 4582.71(c) shall suffice as adequate evidence for the Director's determination. If the issues can not be resolved during the Director's decision period, the Director is required to deny the plan.

The Director's decision period may be extended by mutual agreement. It is recommended that if it is apparent that 1) the issue may take more than 15 days to resolve, or 2) the project proponent indicates that they wish to have the executive officer's determination reviewed by the regional board, that a request for an extension be sought to allow time for resolution of the issues.

If the project proponent does not grant an extension of time, the plan shall be denied. At this point it is recommended that the project proponent be advised that to preserve his appeal rights before the Board of Forestry, an appeal request be filed with the Board within the 10 days specified in 4582.7 (c). The project proponent should be advised that the necessity of this action is solely to preserve the right to appeal to the Board of Forestry and Fire Protection (BOF). However, in the absence of a finding by the applicable regional water quality control board overturning the action by the executive officer, the Board would not have the authority to overturn the decision of the Director. The filing of the appeal with the BOF does, however, give the project proponent the ability to agree to modifications that the regional board or executive officer indicate are necessary to bring the plan into compliance with the basin plan. This would be a necessary step in determining what is necessary to bring the plan into conformance with the FPRs and PRC, and provides an opportunity to move forward with plan approval through the BOF process, if these measures are incorporated.

In those instances where the project proponent does not want to extend the Director's decision period and does not file an appeal to the BOF, upon completion of the review process by the regional board, the administrative remedies have been exhausted. The plan is denied and would not be subject to appeal to the BOF. At that point, the determination by the executive officer and or the regional board would be subject to judicial review.

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

amminen
Secretary

March 22, 2004

The Honorable John Burton
Chairman, Senate Rules Committee
State Capitol, Room 500
Sacramento, California 95814

Dear Senator Burton:

I appreciate the opportunity to provide you and your colleagues with some of my goals as the Secretary for the California Environmental Protection Agency (CalEPA), as well as answer your specific questions. As a first-timer to this process, I have attempted to provide an adequate level of detail in each response however if additional information is needed on any subject area, please don't hesitate to ask.

As Secretary, I am deeply committed to fulfilling the mission of CalEPA -- "to restore, protect, and enhance the environment to ensure public health, environmental quality and economic vitality." I am also dedicated to carrying out the environmental policies and goals of Governor Arnold Schwarzenegger including protecting our air and water quality and reducing hazardous and other waste.

Following are responses to the questions asked in your letter of March 2, 2004:

Question 1: *Please provide us with a brief statement of goals. What do you hope to accomplish during your tenure as Secretary of the California Environmental Protection Agency?*

As you may know, Governor Schwarzenegger developed an ambitious "Action Plan for California's Environment" during the course of his campaign for Governor. During the Transition and the first few months of the Administration, we have continued to refine the plan and develop implementation strategies. We have six primary goals:

1. Cut air pollution.
2. Develop a reliable supply of clean, renewable energy
3. Protect California's waterways and water supply from pollution, including protect, restore, and enhance California's unique coast and ocean habitat.
4. Restore state parks and make strategic acquisitions of open space.

MAR 23 2004

Honorable John Burton
March 22, 2004
Page 2

5. Create incentives for infill development, mass transit and provide environmental justice in program implementation.
6. Promote efficient, sustainable growth and strictly enforce environmental protection laws.

More specifically I am committed to achieving the Governor's call for up to a 50 percent reduction in air pollution by 2010; development of appropriate state policy to encourage the clean up and re-use of brownfields; timely development of Total Maximum Daily Loads; and successful implementation of the Electronic Waste Recycling Act, among other deliverables for our Administration.

Question 2: How are you participating in the governor's proposed review of governmental organization? What are your priorities for change of what boxes should be "blown up?"

As you know, the California Performance Review is exploring a myriad of ideas to improve program delivery, accountability, and effectiveness of state government. Our agency, like others, has provided a number of qualified individuals to assist in analyzing the functions, structure, and funding aspects of various proposals. I will be actively involved in this process to assure that the end product is one that provides us with the ability to effectively protect our environment and public health.

Question 3: Do you support the notion of separating risk assessment and risk management? If so, what actions will you take to ensure a functional separation between risk assessment and risk management at the agency?

I support the policy of separating the scientific components of risk assessment from the broader social and economic issues inherent in risk management. I believe that this arrangement adds to the credibility of both risk assessment and risk management. The separation of risk assessment and risk management was a significant consideration in the establishment of the Office of Environmental Health Hazard Assessment (OEHHA) within CalEPA.

At the same, I do not believe it is the only model that can be effective in meeting our risk assessment/risk management needs. The National Academies of Science (NAS) has noted that this functional separation does not address the basic challenge in assessing health hazards – the sparseness of data and uncertainty of the underlying knowledge. In fact, the separation of the assessment and management functions can create challenges in implementation. Thus, NAS recommended measures other than organizational separation to make risk assessment more precise and assure the distinction

Honorable John Burton
 March 22, 2004
 Page 3

between risk assessment and risk management. We have implemented and institutionalized many of those measures, such as:

- utilizing external scientific peer review of risk assessments;
- ensuring opportunity for public participation and comments;
- distinguishing between the scientific basis and the policy basis for our conclusions;
- developing guidelines for risk assessment (e.g., air toxic hot spots, school risk, and children cancer).

Question 4: *Do you believe that an environmental health risk assessment agency should include the risk assessment of pesticides?*

As noted above, I do not believe that it is essential that all risk assessment occur only at OEHHA. As you know, the Department of Pesticide Regulation (DPR) has statutory authority to perform risk assessment of pesticides. In carrying out this statutory responsibility, DPR works closely with OEHHA. OEHHA provides peer review of DPR's pesticide risk assessment and assists in other DPR activities (e.g., data waivers for pesticides, worker safety regulations, pesticide illness reports, physician training, community accidental release investigation, and aerial applications that might involve major urban areas).

I see my role as promoting collaboration between the two departments to minimize differences and ensure the integrity of the science within all Cal/EPA BDOs.

Question 5: *Recent experience with serious environmental problems such as MTBE and perchlorate contamination, brownfields cleanup, and greenhouse gas emissions suggest that the current single media based structure of the agency should evolve.*

What specific changes to law, budget, and agency structure do you propose to ensure CalEPA can respond efficiently and effectively to these types of multi-media environmental problems?

Many environmental problems are multi-media and the historical, statutory-based single media missions of the entities within CalEPA need to evolve to respond efficiently and effectively to types of multi-media environmental problems, such as those noted in the question. In fact, this evolution has begun and we are employing a multi-media approach to many issues and I will continue to emphasize this approach at CalEPA and will look for opportunities to further institutionalize it. For example, during my first month at CalEPA, I removed several deputy and assistant secretaries from "chain of command" functions and

Honorable John Burton
March 22, 2004
Page 4

placed them on specific projects and task forces that add value to multi-media problem solving. In essence, the Office of the Secretary now functions as an environmental "swat team," working with BDOs, other governmental agencies at all levels, and community stakeholders to solve complex multi-media problems.

Further, "environmental indicators," that is, the information that directly measures the health of the environment, will be a key factor in making this transition. Historically, we have measured our success by counting the number of permits we issued, inspections conducted and dollars collected. In the past, we reasonably believed that the more we did, the more improvement we would achieve.

The challenges we face today are more complex, requiring more sophisticated solutions. Simply doing more of the same will not achieve the continued increases in environmental improvements that are required. We, therefore, must begin measuring our progress based on the outcomes of our work—the results we achieve—not how much work we do. We will use the indicators to help us understand and evaluate:

- the causes of problems we must address;
- the current status of the environment;
- progress in improving it;
- the effectiveness of our strategies.

In addition to focusing resources on better information to effectively deal with cross-media environmental problems, we are focusing the enforcement personnel in our six BDOs to mete out quick and sure justice designed to stop illegal activity as quickly as possible. We are currently providing cross-media training our inspectors and enforcement personnel within each BDO, and providing leadership to ensure appropriate cross-media coordination in the pursuit of individuals or businesses violating laws that protect human health and the environment. My Deputy Secretary for Enforcement is also currently conducting an "effectiveness audit" of our enforcement actions within the BDOs.

Question 6: *CalEPA and its constituent boards, departments, and offices currently are funded through a combination of fees, reimbursements, bond funds, and General Fund. The Legislature worked with the agency last year through the budget to protect important environmental protection programs by reducing General Fund expenditures and fee-basing those programs. However, the agency has not fully used the fee authority given to it. In addition, some have argued that greater uniformity and rationality should be established in agency fee programs.*

Honorable John Burton
March 22, 2004
Page 5

Do you support using the fee authority that the agency has under law to fund important environmental programs? If yes, how do you intend to fully implement existing fee authority?

Yes, I support the fee authority and it is my understanding that CalEPA organizations have fully implemented the fee statutes enacted as part of the current year budget act.

More specifically, earlier this fiscal year, the Air Resources Board and the State Water Resources Control Board promulgated regulations, which specify the fee schedules authorized pursuant to Assembly Bill 1X-10. The Department of Pesticide Regulation has also revised its fee schedules for pesticide licensing and registration so those program activities are now exclusively supported from these fees. The State Water Resources Control Board is now proposing regulations setting forth annual fees for persons for whom waste discharge requirements have been waived.

What suggestions do you have to bring greater uniformity and rationality to the fee structures used by the agency?

With the shift away from General Fund support for CalEPA programs (39 percent of the total agency-wide budget in fiscal year 2000-01 to less than 5 percent in the current year), the question of rationality of fee structure is obviously ripe for discussion. I will ensure that there is an appropriate relationship between those paying the fees and the activity that is funded by the fees. At the same time, we must assure that funding levels are adequate to carry out the critical mission of the various entities within our agency. We will also examine the opportunity for consolidation of various fees and efficiency in collection of fees. This is also a matter that may be addressed by the California Performance Review.

Question 7: What process will you use in making decisions on the use of bond funds for your agency? What priorities do you have for the use of bond funds?

The four recent bond acts and implementing statutes establish fairly detailed provisions regarding how bond funds can be spent. I am ensuring that we comply with the processes required by the legislature. At the same time, we must focus—within the required criteria, processes, and parameters—on ways to deliver grants and loans for water quality projects and programs in an efficient, timely, and transparent manner. Of course, this requires close cooperation with the Resources Agency and the Bay Delta Authority who also have responsibility for bond expenditures. We are currently revising the statutorily required watershed Memorandum of Understanding between the agencies in order to achieve these objectives.

Honorable John Burton
 March 22, 2004
 Page 6

The administration will provide additional details on the proposed 2004-05 bond expenditures in a Finance Letter next month.

I am pleased to report that upon assuming my duties, I found the CalEPA team already seeking new ways to improve CalEPA's efficiency and effectiveness, including with respect to bond expenditures. As a result, in one example, the State Water Resources Control Board revised its internal administrative process so project agreements are reviewed as "grants" rather than contracts". As such, the time for delivery of funds was slashed from over 30 months to less than 8 months (from application to checks out the door). In another example, we sought and received exemptions from the position freeze for bond activities.

Question 8: The Office of Environmental Health Hazard Assessment had \$1 million in funding in the budget last year to carry out the risk assessments for children and other susceptible populations. There is no funding in this year's proposed budget. How does your agency plan to carry out the provisions of SB 25? What is the future of this program?

Protecting children and other susceptible populations from the adverse effects of environmental pollution is a priority for this administration and CalEPA. In accordance with the provisions of SB 25, we established the Children's Environmental Health Center to coordinate the regulatory and research activities of our boards and departments related to children's environmental health. Some of these activities are:

- developing children's health protective ambient air quality standards for particulate matter, ozone, and nitrogen dioxide;
- conducting chemical risk assessments and developing control measures to protect infants and children from various toxic air contaminants;
- and evaluating the adequacy of the State's air monitoring network to characterize children's exposures to air pollution.

The future of CalEPA's children's environmental health program is strong. This is a priority for our Governor and my Agency. There is much to do and we have talented and dedicated people who are willing to get it done. As an example, the Governor has asked me to prepare an inventory of projects that will measurably improve air quality for children who live (or attend schools) near freeways, a well-known source of impacts to children's health. The CalEPA team is now engaged in that investigation and will make recommendations to implement those projects promptly.

The Department of Finance is reviewing a Finance Letter that will address the funding issue identified in your question.

Honorable John Burton
March 22, 2004
Page 7

Question 9: Do you support the goals of this report?

Yes, I support the goals recommended by the CalEPA Advisory Committee on Environmental Justice. The Advisory Committee Report is the product of an extensive public process by CalEPA and its BDOs over the past two years to frame the complexity of the environmental justice issue in the state. In their thoughtful and comprehensive report, the Advisory Committee offered a set of valuable recommendations to the CalEPA Interagency Working Group as we develop our Interagency Environmental Justice Strategy. The report encouraged strategic direction to implement environmental justice and stressed the importance of leadership within the Office of the Secretary. I am committed to providing this leadership and have made clear to my staff that this a priority for our administration.

You may know that my work over the last 15 years with community-based organizations has had a significant environmental justice focus. Working with community leaders, the organizations and foundations that I worked for have enforced environmental law in communities with disproportionate impacts; funded community leadership training programs; and helped communities investigate environmental problems in their own neighborhoods. I intend to continue that work in my new position at CalEPA.

Question 10: Please describe how your agency is implementing the final Environmental Justice Report.

From the work of both the CalEPA Advisory Committee and the CalEPA Interagency Working Group, we have a roadmap that frames the issues to be addressed and articulates a long-term approach to environmental justice. Our collective achievements have elevated the issue of environmental justice and produced an infrastructure to support its implementation. Cal/EPA will continue our leadership role by taking full advantage of emerging opportunities to make environmental justice a consistent part of the way in which we perform our regulatory functions.

While the recommendations in the Advisory Committee Report present a host of viable actions to implement environmental justice, we need to approach this in a deliberative manner, identifying priorities that promote institutionalization of environmental justice within the agency and other branches of government. We also need to focus on achieving tangible environmental and public health improvements in communities most at risk. There is much to do and I do not take the tasks ahead lightly. CalEPA will continue to work vigorously to support and lead environmental justice efforts in the state.

Honorable John Burton
March 22, 2004
Page 8

I will work actively with the CalEPA Interagency Working Group to complete, by September of this year, the CalEPA Environmental Justice Strategy that is consistent with the goals of the Advisory Committee Report. As part of this effort, we will hold at least two public hearings to receive comments from environmental justice stakeholders and the general public. In the interim, we will continue our efforts to seek opportunities and take actions that will advance environmental justice through the various efforts of the CalEPA BDOs.

Finally, to ensure continued public involvement in this crucial program, I have begun a series of community listening tours with key members of the CalEPA team. Most recently, we toured a wide variety of communities in the Los Angeles area on the "toxic tour" of the Liberty Hill Foundation and I later met with community members and their advocates to discuss specific disproportionate impacts, particular community projects, and the overall environmental justice policy implementation.

Question 11: Could you describe the hydrogen highway and how it is going to be built and paid for?

Clearly, the Hydrogen Highway is an integral part of our Governor's vision for California. It represents an environmentally sustainable alternative to meet the transportation needs of our citizens and businesses.

In essence, the goal of Hydrogen Highways is to provide a basic network of approximately 200 hydrogen fueling stations within easy reach of all Californians by 2010. Automakers have repeatedly promised that they can have "tens of thousands of competitively priced hydrogen vehicles in California showrooms by 2010 if the fueling infrastructure is in place." Our Administration will provide organization and leadership to aggregate the hundreds of private efforts already underway on this technology into a unified blueprint to achieve that goal. We do not anticipate spending any significant state funds for this project, but will provide organizational support, a unified vision/plan, and inter-agency cooperation as needed (with Caltrans, the California Energy Commission, etc.).

We are fostering advanced alternative fuel technology through public-private partnerships. The "Hydrogen Highway" will leverage California's leadership in high technology and renewable energy to meet our growing transportation and air quality needs, but let me emphasize that we will seek private investment and fight for our share of federal dollars to fund the "Hydrogen Highway."

Honorable John Burton
March 22, 2004
Page 9

Question 12: *If this highway is twenty years in the future, what can we do in the meantime to clean up mobile air pollution?*

The Governor has set forth an ambitious goal of reducing air pollution by up to 50 percent by 2010. The State Implementation Plan (SIP) is the cornerstone of California's Clean Air Plan and I will work closely with the Air Resources Board to assure implementation of a successful SIP.

Specifically we must aggressively pursue a variety of activities that will reduce air pollution from mobile sources, including scrappage, diesel retrofits and increased use of hybrids and other more fuel-efficient vehicles. We are also working to ensure that all sectors provide their fair share of pollution reduction. For example, the Governor and the CalEPA team worked diligently in the first few days of our Administration to defeat the so-called Bond Amendment in Congress (that would have eliminated California's right to reduce emissions from highly-polluting small engines). We are also working to ensure that both state and federal engine and fuel standards are implemented on schedule.

Question 13: *The current fiscal year does not contain any funding for your agency, the Integrated Waste Management Board or the Department of Toxic Substances Control to carry out the provisions of the Electronic Waste Recycling Act. How do you propose the required provisions to be developed and adopted by the July deadline without funding?*

The Electronic Waste Recycling Act represents landmark legislation that once again reflects California's leadership in dealing with recycling issues. Unfortunately, the legislation did not appropriate any funds for the implementation of the act in the current year. The Integrated Waste Management Board and the Department of Toxic Substances Control have absorbed the modest current year start-up work to implement the e-waste program in the budget year. That work is on track. The department has identified which electronic devices are subject to the provisions of the act. As you know, the act requires that manufacturers share some responsibility for program start-up. Manufacturers must notify their retailers about the law and fee by April 1, 2004.

The most complex and resource-intensive element—collecting the retail-level fees and remitting those to the fund—is under development. The board is working with the Board of Equalization and Senator Byron Sher's office regarding start-up and operation of the appropriate fee revenue system. We are hopeful that a solution can be reached that will allow for timely implementation of this important program.

Honorable John Burton
March 22, 2004
Page 10

Question 14: *How is the hiring freeze affecting the development of the program? Have you requested exemptions from the hiring freeze for this fee-based program?*

The hiring freeze has had negligible effect on CalEPA development of the e-waste recycling program development. Although very few vacancies remain agency-wide following the Control Section 4.10 reductions, CalEPA has requested—and the control agencies have granted—hiring freeze exemptions for key vacancies. We ardently support any exemptions or exceptions that may be required by the Board of Equalization to implement the e-waste fee revenue sub-system.

Question 15: *Given the lack of General Fund resources, should the state consider similar area-wide impact fees?*

As you know, the Governor has called for an aggressive goal of reducing statewide air pollution by 50 percent. I also recognize the disproportionate level of air pollution being realized in the Central Valley and our need to act quickly. Our efforts to clean up air pollution must be addressed from a number of fronts and requires a series of solutions, from reducing our dependence on petroleum to ensuring that air pollution is equitably reduced from both stationary and mobile sources. In response to your specific question about fees, I understand that local air districts already have the authority under existing law to impose indirect source fees if they choose to do so. Legislation from last year, SB 709 (Chapter 483, Statutes of 2003) mandated the San Joaquin Valley Unified Air Pollution Control District to assess an indirect source fee. I am open to looking at any reasonable funding alternatives to improve our air quality throughout the state.

Question 16: *Do you support a fee structure to address agricultural discharges that are detrimental to water quality? How do you propose these discharges to be regulated?*

As noted above, the State Water Resources Control Board is now proposing regulations setting forth annual fees for persons, for whom waste discharge requirements have been waived, including discharges for irrigated agricultural lands.

I believe the approach developed by the Central Valley Regional Water Quality Control Board and upheld by the State Water Resources Control Board represents a reasonable effort to identify waste discharges from agricultural and the appropriate best management practices (BMPs) needed to address such discharges. I look forward to working with all stakeholders to evaluate the

Honorable John Burton
March 22, 2004
Page 11

effectiveness of BMPs, and the related monitoring programs being proposed, and make any changes necessary to ensure that water quality is protected.

Question 17: *How will your agency and the regional water boards go about implementing SB 810, Burton legislation of 2003 authorizing regional water boards to determine whether a timber harvest plan is consistent with a basin plan?*

Thoughtful, timely implementation of SB 810 was one of my highest priorities upon assuming my duties. To immediately begin the process of finding the most effective strategies to implement this law, during my first month on the job I led a team of CalEPA staff, State and Regional Water Board staff and Board members, environmental stakeholders, and timber industry representatives on a tour of timber operations on the North Coast. We examined silvicultural practices at three companies and discussed both ongoing and legacy sediment issues and mitigation techniques. We evaluated monitoring projects that are designed to measure water quality impacts adjacent to timber operations. This working group is continuing to develop meaningful, measurable implementation strategies that will result in greater protection of water quality and habitat preservation.


As you know, SB 810 vested the responsibility for implementation at the regional board level. Under the law, regional boards may delegate the authority to the Executive Officer, which has occurred. Our hope is to provide guidance to each Regional Board as they consider implementation of their duties under SB 810. As part of the regional boards' review of Timber Harvesting Plans (THPs), board staff may propose various mitigations or modifications to THPs as necessary and appropriate. If agreement is not reached between the THP submitter, the Department of Forestry and Fire Protection and the regional board, the board (EO) may exercise the SB 810 authority. The law requires that the board (EO) make a finding, based on substantial evidence, that "the timber operations proposed in the plan will result in a discharge into a watercourse that has been classified as impaired due to sediment pursuant to subsection (d) of Section 303 of the Federal Water Pollution Control Act, that causes or contributes, to a violation of the regional water quality control plan."

In instances where the board (EO) does not believe that such a finding can be made, the board (EO) may non-concur with approval of the THP and/or request that a "head of agency" appeal be filed by the State Water Resources Control Board with the Board of Forestry.

Honorable John Burton
March 22, 2004
Page 12

In closing, I am honored to serve Governor Schwarzenegger and the people of California as Secretary for Environmental Protection. Shakespeare asks "Nature's bequest gives nothing, but doth lend...and so, when Nature calls thee to be gone, what acceptable legacy can'st thou leave?" I look forward to a constructive and fruitful working relationship with the Legislature as we further define our shared goals in protecting and enhancing California's environment and leaving the legacy that our children expect.

Warm Regards,

A handwritten signature in black ink, appearing to read "Terry Tamminen". The signature is fluid and cursive, with a prominent initial "T" and a long, sweeping underline.

Terry Tamminen,
Agency Secretary

491-R

Additional copies of this publication may be purchased for \$4.50 per copy
(includes shipping and handling) **plus current California sales tax.**

Senate Publications
1020 N Street, Room B-53
Sacramento, CA 95814
(916) 327-2155

Make checks payable to SENATE RULES COMMITTEE.
Please include Stock Number 491-R when ordering.

L500
R9
2004
no.8

HEARING
SENATE RULES COMMITTEE
STATE OF CALIFORNIA

DOCUMENTS DEPT.

SEP 30 2004

SAN FRANCISCO
PUBLIC LIBRARY



STATE CAPITOL
ROOM 113
SACRAMENTO, CALIFORNIA

WEDNESDAY, MAY 12, 2004
1:31 P.M.

SENATE RULES COMMITTEE

STATE OF CALIFORNIA

HEARING

STATE CAPITOL

ROOM 113

SACRAMENTO, CALIFORNIA

WEDNESDAY, MAY 12, 2004

1:31 P.M.

Reported by:

Evelyn J. Mizak
Shorthand Reporter

APPEARANCESMEMBERS PRESENT

SENATOR JOHN BURTON, Chair

SENATOR ROSS JOHNSON, Vice Chair

SENATOR BETTY KARNETTE

GLORIA ROMERO

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NETTIE SABELHAUS, Consultant on Governor's Appointments

SUSIE SWATT, Consultant to SENATOR JOHNSON

TIM SHELLEY, Consultant to SENATOR KARNETTE

CARY RUDMAN, Consultant to SENATOR ROMERO

ALSO PRESENT

JOYCE ARREDONDO, Member
Youth Authority Board

HOWARD N. GOULD, Commissioner
Financial Institutions

JOHN D. VAN ETEN
California Credit Union League

MAURINE PADDEN
California Bankers Association

VING HA
Greenlining Institute

KIRK R. LINDSEY, Member
California Transportation Commission

ROBERT BALGENORTH
State Building Trades

1 ANNE E. SHEEHAN, Member
2 State Personnel Board

3 AARON READ
4 California Association of Highway Patrolmen
5 CDF Firefighters
6 Professional Engineers in California Government

7 BURKS DEAN SHELTON, Member
8 California Gambling Commission
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INDEXPage

Proceedings	1
<u>Governor's Appointees:</u>	
JOYCE ARREDONDO, Member Youth Authority Board	1
Background and Experience	1
Questions by CHAIRMAN BURTON re:	
Training Received to Prepare for Position	2
Areas for Improvement	3
Advance Receipt of Wards' Files Prior to Parole Hearings	4
Questions by SENATOR ROMERO re:	
Need for More Time to Review Cases	6
Factors Contributing to CYA's High Recidivism Rates and How to Reduce Those Rates	7
Enhanced Opportunities Available for Female Offenders	8
Questions by SENATOR JOHNSON re:	
Population of CYA Declining, Yet Extremely High Recidivism Rate Quoted	9
Questions by SENATOR KARNETTE re:	
Flexibility in Response to Parole Violations	10
Questions by CHAIRMAN BURTON re:	
How Appointed to Board	11

1	Motion to Confirm	12
2	Committee Action	12
3	Statements by CHAIRMAN BURTON re:	
4	Suggestion to Insist that Board	
5	Members Get Information on Wards	
6	Much Earlier before Hearings	12
7	HOWARD N. GOULD, Commissioner	
8	Financial Institutions	13
9	Opening Statement	13
10	Questions by CHAIRMAN BURTON re:	
11	Regulation of Check Cashing Businesses	15
12	New Credit Union Regulations	16
13	Enforcement of Commitments by Banks and	
14	Credit Unions to Provide Services in	
15	Low-income and Rural Areas	17
16	Effect of New Federal Regulations on	
17	State's Efforts to Combat Predatory	
18	Lending	19
19	Preemption	19
20	Questions by SENATOR ROMERO re:	
21	Efforts to Increase Financial Literacy in	
22	Underserved Areas	20
23	Questions by CHAIRMAN BURTON re:	
24	Definition of Financial Literacy	21
25	Questions by SENATOR ROMERO re:	
26	Immigrant Entrepreneurs' Need for	
27	Financial Literacy	23
28	Possible Appearance of Impropriety	
	Due to Financial Holdings	24

Questions by SENATOR KARNETTE re:

Views on Expansion of Credit Unions 25

Witnesses in Support:

JOHN VAN ETTEN

California Credit Union League 26

MAURINE PADDEN

California Bankers Association 26

Motion to Confirm 27

Witness in Opposition:

VINA HA

Greenlining Institute 27

Committee Action 29

R. KIRK LINDSEY, Member

California Transportation Commission 29

Opening Statement 29

Questions by CHAIRMAN BURTON re:

Need for Shift Modification in

75-25 Percent Control of Money in

STIP 30

Witness in Support:

ROBERT BALGENORTH

State Building Trades 31

Questions by CHAIRMAN BURTON re:

Abilene Christian 31

Motion to Confirm 32

Committee Action 32

ANNE E. SHEEHAN, Member

State Personnel Board 32

Priorities and Goals 32

Questions by CHAIRMAN BURTON re:

Large Number of Cases Either
Reduced or Overturned 34

Communication with Departments as to
Why Cases Are Not Upheld by Board 35

No Relation to JACK SHEEHAN 36

Questions by SENATOR ROMERO re:

Collection of Data on
Diversity of State Employees 37

Questions by SENATOR KARNETTE re:

New Whistleblower Program to Protect
State Employees 38

View of Little Hoover Commission's
Recommendation to Eliminate SPB 39

Witness in Support:

AARON READ

California Association of Highway Patrolmen

CDF Firefighters

Professional Engineers 40

Questions by CHAIRMAN BURTON re:

How Appointed to Position 40

Motion to Confirm 41

Committee Action 41

BURKS DEAN SHELTON, Member

Gambling Control Commission 41

Background and Experience 41

Questions by CHAIRMAN BURTON re:

Experience with Gambling Issues 42

Purpose of Commission 43

Audits 43

Questions by SENATOR ROMERO re:

Commission's Role in Renegotiating
Compacts 44

Questions by CHAIRMAN BURTON re:

Employment between August 2000 and
February 2002 44

Interim Chief in Woodland and Ripon 45

Motion to Confirm 45

Committee Action 46

Termination of Proceedings 46

Certificate of Reporter 47

Appendix: Statements of Goals

JOYCE ARREDONDO 48

HOWARD N. GOULD 50

R. KIRK LINDSEY 52

ANNE E. SHEEHAN 53

BURKS DEAN SHELTON 57

P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN BURTON: Governor's appointees appearing today, Joyce Arredondo, Youth Authority Board.

MS. ARREDONDO: Good afternoon. My name is Joyce Arredondo.

I'd like to thank you and the Members of the Rules Committee for this opportunity to address you.

As a member of the Youth Authority Board, I bring hands-on experience in providing at-risk youth and youthful offenders training, support, and opportunities to reach their fullest potential as contributing members of our communities. Motivated by a strong belief that youth need to be held accountable for their behavior, but also that many of today's teens need assistance in identifying and building upon their assets, the position as a member of the California Youth Authority Board affords me the opportunity to put into practice these beliefs as a means of public safety.

I bring to the Board my knowledge of youth development and youth culture, youth-related community-based programs, and a background in management, programing, and extensive experience developing collaborations and partnerships to work towards a common goal. My years of experience as a foster parent to incorrigible teens and as a director of an after-school teen program have deepened my belief of the inherent worth of all young people. I believe strongly in a young person's ability to execute positive change should they choose to.

1 As an employee of the California Youth Authority,
2 I look forward to participating in the ongoing identification
3 and implementation of the best available treatment and training
4 programs and the subsequent parole support services needed to
5 give youth the tools they need to make those positive changes
6 and for successful re-entry into our communities.

7 This is both a challenging and exciting time to
8 serve as a member of this important public safety board. It is
9 with humility and a great sense of responsibility that I
10 approach my role as a member of the Youth Authority Board, never
11 forgetting the trust placed in me by the Governor, the citizens
12 of California, and this Committee should you choose to recommend
13 me today for confirmation.

14 Thank you.

15 Now I'm here to answer any questions you may
16 have.

17 CHAIRMAN BURTON: Under new legislation, Board
18 members are to receive training so that they know what they're
19 doing on the job.

20 Could you describe the training you received upon
21 taking the job about treatment programs, training programs that
22 are provided to the wards at the Youth Authority?

23 MS. ARREDONDO: Certainly.

24 It began with first becoming familiar with the
25 regulations, with Senate Bill 459, reading that, answering
26 questions about it. Going through scenarios, much like they do
27 in other training academies and things, so practicing what would
28 you do, reviewing forms and such.

1 Then it was out into the various programs.
2 Meeting not just with superintendents, but actually out in the
3 units, getting to talk to some of the kids, talking to line
4 staff, visiting intensive treatment programs, special counseling
5 programs.

6 I visited Lassen several times. It's somewhere I
7 try to pop into at least once a month and talk to the wards
8 there. Visited out-patient treatment. Visited group homes, a
9 sex offender group home in West Sacramento, and additionally I
10 visited a fire camp.

11 I've been to actually so many different programs,
12 sex offender programs. I've sat in on groups. I've attended
13 school. I attended a speech class at Preston as well as classes
14 at Chad.

15 So, there was a variety of opportunities for me
16 to experience not only the programs that they receive, the
17 treatment and training and education in the institution, but
18 also some of our group homes, and some of the programs
19 externally.

20 I visited Sacramento Parole also on a Wednesday
21 night and sat in on their sex offender group, also on their --
22 just their parole support group. So, I've been there as well.

23 CHAIRMAN BURTON: During this time, have you been
24 able at least to identify to yourself some of the areas you
25 think could stand improvement in the way the Youth Authority's
26 handling things?

27 I guess it'd be two categories: Those that would
28 almost make common sense that are easy, and those that are going

1 to be maybe more difficult to achieve, either because they would
2 require legislation, or require more funding, or whatever it is.

3 MS. ARREDONDO: Well, I think as far as the
4 difficult ones, I'm a supporter of the transitional residential
5 programing. In fact, before coming here to this hearing, I was
6 at a committee at the Youth Authority Headquarters, working with
7 a group of folks over the Board throughout the state from all
8 different disciplinaries on transitional services for sex
9 offenders. And so, looking at ways of supporting our sex
10 offenders as they parole in their communities to make sure it's
11 safe for the community, and also that these individuals have the
12 support services to help them be successful.

13 So, transitional residential programing was one
14 of those, and I am a big supporter of that.

15 Short-term as far as the immediate easily done, I
16 would say probably just continue with looking at additional
17 vocational training and educational services, particularly at
18 Ventura.

19 When I visited Ventura for a week, looking at
20 continuing some of the opportunities in vocational training
21 that's available to the girls. They have a new program down
22 there where they have in-camp, now that the males are gone. And
23 some of the girls that came before me are participating in a
24 roofing program and a fire camp. They love it and are getting
25 skills now that will translate to higher paying jobs once they
26 go to the community.

27 CHAIRMAN BURTON: How far in advance do you get
28 the wards' files prior to the parole hearing?

1 MS. ARREDONDO: Well, I usually arrive at the
2 institution where I'm scheduled for the day probably 45 minutes
3 to an hour, something like that, depending on traffic, and the
4 files are there. We're given the opportunity then to review it.
5 Depending on if it's a panel board being two of us, a full board
6 if there's three of us, then I don't have to review --

7 CHAIRMAN BURTON: In other words, you get them on
8 the day you arrive down at the hearing?

9 MS. ARREDONDO: Yes, Senator.

10 CHAIRMAN BURTON: Why is that? Why don't they
11 give them to you earlier?

12 I would imagine that it isn't like they decide
13 Monday to give somebody a parole hearing on Tuesday.

14 MS. ARREDONDO: You're absolutely right, Senator.
15 It's scheduled beforehand.

16 And I can't stay why the reason is, why it's done
17 that way. That is the procedure.

18 Coming from, as you know, Senator, I also have a
19 health care background, and so the first thing that comes to my
20 mind, perhaps, is confidentiality. Unless we were able to be
21 there the day before, or something, to review it, there's always
22 the confidential issue about sending information home about our
23 kids, and something happened. And if I've got these files or
24 something in my car, and I get hit by a Mac truck on 99, then
25 all of a sudden our kids' information is all over Freeway 99.
26 That's not a good thing.

27 CHAIRMAN BURTON: That would seem to be a bizarre
28 reason not to have you all to have enough time to be familiar

1 with the situation, to be able to frame your own questions or
2 concerns.

3 I think that's a question we'd better ask
4 somebody else, the people that are doing that, because I would
5 imagine it's, "We've always done it this way," which is one of
6 the reasons, in my judgment, the Youth Authority has been
7 thoroughly screwed up over the years, because they've always
8 done it this certain way. And that way has not worked well for
9 the wards, not worked well for the taxpayers, not worked well
10 for society in my judgment.

11 Senator Johnson.

12 SENATOR JOHNSON: No questions.

13 CHAIRMAN BURTON: Senator Romero.

14 SENATOR ROMERO: I would share the concern that
15 Senator Burton has raised regarding the one hour sort of instant
16 review.

17 I just think that, and I would encourage that you
18 go back, and the entire Board go back, and take a look at this.

19 I think candidates coming for confirmation would
20 like to know they've been looked at a little bit more
21 thoroughly. We've had a chance to ask questions. I think we
22 all do.

23 And when you're deciding on somebody's life, I
24 would just encourage that arriving that morning and seeing it
25 that morning is just not enough time.

26 Having said that, I just have two questions.

27 In the training, I understand that you review
28 recidivism. You have some training regarding factors that

1 contribute to that.

2 CYA has about a 90 percent recidivism rate. I'm
3 curious as to what you have discussed, what you understand, what
4 CYA has presented to you as far as factors that contribute to
5 these high recidivism rates, and what programs or what factors
6 you might want to work for to try to reduce that recidivism
7 rate?

8 MS. ARREDONDO: The first part, Senator, if I
9 understand, is what's my understanding about what contributes to
10 the recidivism rate.

11 SENATOR ROMERO: Yes, what training? How is that
12 presented to you, 90 percent recidivism rate.

13 MS. ARREDONDO: I'll be honest, I'm not really
14 sure. There's so many factors that contribute. Obviously,
15 perhaps, there's not enough community support services, or
16 there's just so many factors, I'm not really clear. And there's
17 so many theories.

18 But in terms of what I see as being, perhaps, a
19 way to help reduce that is, things like they're looking at now,
20 where the committee, again, I just came from, where we are
21 surrounding our kids with enriched community support services,
22 enriched parole services, so where there's that continuum of
23 care, so to speak.

24 And so, I think with that, and with the
25 continuity that YA's starting to move to, looking at having this
26 continuity in these programs that are consistent both in the
27 institution and also on parole, I think that that's going to
28 help.

1 SENATOR ROMERO: You had indicated in your
2 statement that you have an interest in trying to enhance the
3 opportunities available for young women.

4 And especially when I look at the statistics on
5 CYA, the fastest growing group is Latinas in particular.

6 I am planning a trip to Ventura with Director
7 Allen and looking forward to that.

8 What would you recommend right now that we can
9 begin to enhance, to offer to female offenders? And if there's
10 anything in particular that you might acknowledge with respect
11 to women of color?

12 MS. ARREDONDO: You know, I've been thinking
13 about that ever since I wrote my goals, Senator.

14 And again, I think that the fire camp that's down
15 there, the roofing crew that's down there, what I heard from the
16 females that were participating in it is that they liked it.
17 They like the physical work. They enjoy being outdoors.

18 But in terms of what program, I think instead of
19 us sitting here trying to guess what they might benefit from,
20 why not ask them? We have 300-and-some-odd females in Ventura.
21 Why not sit down with some of them, in focus groups or whatever,
22 when they're with their youth counselors, and just say, "What
23 are some of the skills, some of the vocational programs, you
24 would like to see available?"

25 And do it also in the community. Maybe meet with
26 chamber leaders, business leaders and say, "What are some of the
27 programs we can do with two, three, four years," whatever the
28 average length of stay is for our female wards. And say, "What

1 are some of the programs that we can do, give them real skills,
2 real world skills that will translate to a good-paying job out
3 in the community?"

4 Instead of us guessing, we should ask the girls.

5 SENATOR ROMERO: Thank you.

6 CHAIRMAN BURTON: Senator Johnson, I think, had a
7 question.

8 SENATOR JOHNSON: A follow-up to a question that
9 was posed a moment ago.

10 A 95 percent recidivism rate? Is that accurate?

11 MS. ARREDONDO: I've heard everything from about
12 40 to 90 percent.

13 SENATOR JOHNSON: The reason that I wanted to
14 follow-up on that is, I have a hard time reconciling that we're
15 told that the population is declining, and with that kind of
16 recidivism rate, and there've got to be new kids coming into the
17 system, it just doesn't make sense to me; it doesn't compute.

18 Do we know what the figures are?

19 MS. ARREDONDO: Again, that would probably be a
20 question perhaps for somebody at YA. As a board member, I'm not
21 really sure. I've heard everything from 40 to 90.

22 SENATOR JOHNSON: I would think it's a question
23 that you'd want to ask.

24 MS. ARREDONDO: Sure, and I have, Senator. And
25 I've heard, as I said, 40, 60 and 90 are the three figures I've
26 heard. So, I'm not sure.

27 SENATOR JOHNSON: Well, if the figure is 90
28 percent, that just seems totally unacceptable. But it's

1 difficult to see how we could have a declining population within
2 the institution if that's the case.

3 All right, thank you.

4 MS. ARREDONDO: You're welcome.

5 CHAIRMAN BURTON: Senator Karnette.

6 SENATOR KARNETTE: I'm particularly interested in
7 the same thing the others are interested in, but the parole
8 violations, from what I understand, I know in the adult
9 population there's a tendency to send people back for very
10 insignificant, in my opinion, parole violations.

11 If we would be a little bit more flexible in our
12 parole violation responses, would this help? I know a lot of
13 other states do not send somebody back to prison or to CYA just
14 because they forgot to go to an appointment or something.

15 Now, can you do anything about that? And if so,
16 is that a contributing factor? It seems to me it would be in
17 recidivism.

18 MS. ARREDONDO: Senator, you're asking if that's
19 a contributing factor to recidivism.

20 SENATOR KARNETTE: Your interpretation --

21 CHAIRMAN BURTON: Do they do technical violations
22 like they do in prison, and bring people back for stuff that
23 doesn't matter to anybody, and ends up costing the state money,
24 screws up the life of the person who did something stupid as
25 opposed to something bad, yeah.

26 MS. ARREDONDO: And I can only tell you what --
27 obviously, during a parole revocation hearing, it's one officer,
28 myself, and I'm fairly new, but I have done some of them.

1 And I can also tell you my training. And for a
2 technical violation, there's a lot of things we look at.

3 But if it's something like the young man on
4 Monday, who did a 14-month great program, was working, paying
5 his restitution, was a stellar performer, and then he has a
6 dirty test for methamphetamine. He came before me. He had this
7 out-patient program and said, "Hey, I need some help. I'm an
8 addict, and I had a relapse, so, this is what I need to do."

9 I'm like, "Great. Sounds good. Let's get you
10 into that program. Continue your job. Continue on parole and
11 get out of here." So, he's doing an out-patient program.

12 I can tell you -- again, I can only speak for me,
13 but on technical violations and on drug violations, there's
14 community programs that can help them.

15 SENATOR KARNETTE: Thank you.

16 CHAIRMAN BURTON: Did you ask to be on this
17 board? Did somebody vote for you to be on this board? How did
18 you get on the board?

19 MS. ARREDONDO: Actually it was something I was
20 interested in. And I just kind of started asking questions and
21 said, "Does this kind of make sense? Does this seem like a good
22 fit to me for me?"

23 CHAIRMAN BURTON: And you were interested in it
24 why? Why were you interested in it?

25 MS. ARREDONDO: I was interested in trying to,
26 instead of a neighborhood community center, I was interested in
27 trying to have a greater effect on a larger population of kids.

28 CHAIRMAN BURTON: Witnesses in support?

1 Witnesses in opposition?

2 Move the nomination.

3 Oh, do you have family here? Do you have anybody
4 here you want to introduce.

5 MS. ARREDONDO: No.

6 CHAIRMAN BURTON: Call the roll.

7 SECRETARY WEBB: Senator Karnette.

8 SENATOR KARNETTE: Aye.

9 SECRETARY WEBB: Karnette Aye. Senator Romero.

10 SENATOR ROMERO: Aye.

11 SECRETARY WEBB: Romero Aye. Senator Johnson.

12 SENATOR JOHNSON: Aye.

13 SECRETARY WEBB: Johnson Aye. Senator Burton.

14 CHAIRMAN BURTON: Aye.

15 SECRETARY WEBB: Burton Aye. Four to zero.

16 CHAIRMAN BURTON: Congratulations.

17 MS. ARREDONDO: Thank you. Thank you so much.

18 CHAIRMAN BURTON: I would suggest when you go
19 back to whoever it is that sends that stuff out, ask them why
20 they cannot get the stuff to you earlier. Get somebody to do
21 it. Get a trustee to put it on, you know, the handcuff, the
22 briefcase.

23 There's no way in the world you're going to be
24 able to figure out something quick. And basically, at least
25 given my experience under the last two governors, which appear
26 to be, thankfully different under this governor, but better be
27 safe than sorry. And if they even have a question, you know,
28 nobody got let out, whether they deserved it or not, and

1 definitely that didn't deserve to be out wasn't out.

2 But I think just try to find out what it is. How
3 many kids do you hear in a day if you're there on the parole
4 stuff?

5 MS. ARREDONDO: Probably no more than eight
6 parole consideration hearings.

7 CHAIRMAN BURTON: You've got 45 minutes to look
8 at eight? While one of them's talking, you're looking at the
9 next one? I mean, it's tough to do.

10 We're going to raise the issue, too, but if you
11 could do that.

12 Thank you very much.

13 MS. ARREDONDO: I will. Thank you.

14 CHAIRMAN BURTON: Howard Gould, Commissioner on
15 Financial Institutions.

16 MR. GOULD: Good afternoon, Mr. Chairman and
17 Members of the Rules Committee.

18 My name is Howard Gould, the Governor's designee
19 to be Commissioner of the Department of Financial Institutions.

20 Thank you for the opportunity to present my
21 qualifications and discuss with you confirmation of my
22 appointment.

23 You've had the opportunity to review my
24 background and my Statement of Goals, so I won't be redundant
25 with going through all of that.

26 I would say, however, that I believe I'm here
27 before you as an appointee and with a belief myself that over my
28 career, I've had the opportunity to develop a set of experiences

1 and skills in financial services that can add value to
2 government at this time.

3 Today we're at the crossroads of some things that
4 are maybe unique. We're at the crossroads of necessity to deal
5 with a variety of issues in government, fiscal and
6 organizational and process, on one hand, and on the other hand
7 opportunity and motivation to make improvement and do something
8 about each of those.

9 I share that sense of ability to make change for
10 the better, and that's why I said yes to the Governor's
11 invitation to be appointed Commissioner of Financial
12 Institutions.

13 As you read in my background, over the course of
14 more than a decade of leading one of our state's major banks,
15 what we knew as Sanwa Bank, United California Bank, we built an
16 institution that was a superior performing institution on behalf
17 of our owners, the Japanese parent bank.

18 I believe that I can build the Department of
19 Financial Institutions into a truly superior performing
20 institution as well. And that desire on my part aligns with the
21 Governor's California Performance Review desires as well.

22 As the State of California, our rightful place in
23 state regulation of financial services is to be number one, and
24 that's my singular focus, and to achieve that focus through
25 truly and solidly competent people and processes that we use at
26 the department to assure the safety and soundness of our
27 financial institutions.

28 It's in that spirit that I bring to the job, that

1 alliance with the Governor's spirit, to create a 21st Century
2 governmental system.

3 You could think of my own view of my mission at
4 the department as a pyramid. I call it my pyramid of progress.
5 And the peak of that pyramid is to be the number one state
6 regulator of financial institutions across our nation. And the
7 base of that pyramid is competency of our people and of the
8 processes we deploy to assure the safety and soundness of the
9 financial institutions that are entrusted with our citizens'
10 money.

11 In the middle of that pyramid, as we progress
12 from competence to leadership, is earning the respect of our
13 stakeholders, you as the Legislature, the Governor and the
14 administration, the industry that we serve, and the people that
15 we protect. And also engendering an emotion of true pride on
16 the part of the people within the department.

17 As you look at the Department of Financial
18 Institutions in the months and years to come, you'll find that
19 our focus is clearly aligned to building those aspects of my
20 pyramid of progress. And that's the basis upon which you read
21 my Statement of Goals.

22 That's my summary, Mr. Chairman and Members. I'd
23 be pleased to answer any questions, and I am grateful for the
24 opportunity to appear before you for confirmation.

25 CHAIRMAN BURTON: How do we regulate the check
26 cashing businesses where people that, I guess, don't have bank
27 accounts or anything, because they literally live from paycheck
28 to paycheck, maybe even pension to pension?

1 MR. GOULD: Within our department the closest --

2 CHAIRMAN BURTON: It seems to be growth industry,
3 to say the least.

4 MR. GOULD: Yeah.

5 The closest we get to regulation of -- we call it
6 transmitters of money abroad, and it's not check cashers.

7 CHAIRMAN BURTON: You do not regulate --

8 MR. GOULD: Check cashers, right.

9 CHAIRMAN BURTON: Who regulates them, anybody?

10 MR. GOULD: I don't know. I don't know.

11 CHAIRMAN BURTON: I would think -- what's the
12 name of your group, wouldn't we consider them a financial
13 institution? As much as somebody who sends money abroad; right.

14 You don't; all right.

15 MR. GOULD: No, sorry.

16 CHAIRMAN BURTON: The new credit union
17 regulations went into effect last year, and there are some who
18 think they may be more burdensome than bank regulations for real
19 estate lending and record retention.

20 One, are you familiar with that situation?

21 MR. GOULD: No, I'm not. That was suggested to
22 me as a potential point of discussion, and we have looked into
23 it, and we're not sure exactly what that represents.

24 CHAIRMAN BURTON: I think it represents they
25 think, with or without merit, that they have to jump through
26 more hoops than banks do.

27 MR. GOULD: Yeah. And we'd be glad to try to
28 clarify that with the credit unions. We're not sure of that

1 interpretation.

2 CHAIRMAN BURTON: You're not sure they're right?

3 MR. GOULD: Yes.

4 CHAIRMAN BURTON: Yes, you are sure they're right?

5 MR. GOULD: Yes, we're not sure they're right.

6 We think we have something to clear up, both with respect to
7 their view and our view.

8 CHAIRMAN BURTON: What kind of activity are you
9 taking to enforce commitments of banks and credit unions to
10 provide services in low-income and rural areas? Is there any
11 way you can either encourage opening or prevent closing?

12 MR. GOULD: We have -- clearly on the closure
13 side, we do have authority. We have a provision within the law
14 and within our practices that requires an institution that
15 wishes to close an office give us notice, and we can either
16 object or allow that closure to go forward.

17 My view on that is --

18 CHAIRMAN BURTON: If you object, what happens?

19 MR. GOULD: We can actually stop the closure if
20 we wish.

21 CHAIRMAN BURTON: You can stop it if you desire.

22 MR. GOULD: Yes.

23 I actually had discussion along these lines with
24 one of the Members of your Committee today, where the discussion
25 really revolved around the fact of seeking a win-win solution.

26 I think if I were confronted with that sort of a
27 situation, I would work with the institution to try to make sure
28 that we, on one hand, met some of their needs, but also met the

1 needs of the community in which they thought they could no
2 longer provide effective financial services.

3 We ran into this specifically with my own
4 institution, United California Bank, wherein we thought we
5 needed to leave a community for a variety of reasons. And
6 rather than do so, we created a set of alternatives and
7 constructed an alternative sort of branch. And as a result it
8 ended up --

9 CHAIRMAN BURTON: In a Safeway or Luckys?

10 MR. GOULD: Yes, actually it was. It was a very
11 downsized operation that met the needs of the community. It was
12 a full service branch with several teller terminals or teller
13 stations, et cetera.

14 But it did leave a presence in the community, was
15 a solution that allowed us not to abandon a community.

16 CHAIRMAN BURTON: Are you familiar with what
17 happened in Point Arena?

18 MR. GOULD: Yes, I am. I've heard about that.

19 CHAIRMAN BURTON: That happened before your
20 watch?

21 MR. GOULD: Yes.

22 CHAIRMAN BURTON: So, it's your feeling that you
23 can try to work out if, for whatever reason, it's not fiscally
24 prudent for the bank to stay somewhere, that there may be ways
25 to work out the so-called --

26 MR. GOULD: Either with that bank, or with
27 another bank or with another financial service provider.

28 CHAIRMAN BURTON: I think Point Arena was left

1 with nothing.

2 MR. GOULD: Right. Actually, we're not certain
3 of this yet, but we do believe another alternative financial
4 institution is looking at that community right now.

5 CHAIRMAN BURTON: Have the new federal regs from
6 the Comptroller of the Currency had any effect on states'
7 efforts to combat predatory lending?

8 MR. GOULD: Yes. Actually, this whole notion of
9 preemption in the case of the Comptroller of the Currency, it's
10 preemption via a regulator as opposed to preemption via act by
11 Congress.

12 And it is. It's a very significant issue that
13 does affect individual states' desires or policy positions with
14 respect to their financial institutions.

15 CHAIRMAN BURTON: Does Congress authorize them to
16 preempt or do they just decide to preempt?

17 MR. GOULD: In the particular case you're
18 referring to right now, it has been purely a regulatory action
19 that they feel has been built on a history of previous
20 regulatory determinations and previous legal interpretations.

21 It's not been condoned to its extent, the extent
22 of this particular regulation, by Congress, and that's why
23 you're currently seeing Congressional hearings on the
24 Comptroller's actions as well.

25 CHAIRMAN BURTON: I can see Congress doing it by
26 law, but it's kind of spooky to think someone, unless they are
27 specifically authorized in some legislation to preempt, that
28 some bureaucrat could just wipe out one state, 30 states.

1 MR. GOULD: And that's exactly the issue that
2 Congress is exploring with respect to the Comptroller.

3 CHAIRMAN BURTON: If it got to that point, I
4 would guess, the state could, if it chose, sue on that?

5 MR. GOULD: Well --

6 CHAIRMAN BURTON: I mean, assume that it had
7 really this effect.

8 MR. GOULD: Yeah. And as you know, right now me,
9 on behalf of the department, I'm being sued in a case revolving
10 around SB 1, and that case revolves around federal preemption of
11 our privacy laws, as a small sliver of our privacy laws.

12 CHAIRMAN BURTON: That was statutory.

13 MR. GOULD: And that's where I was headed with
14 that. That was a Congressional statutory --

15 CHAIRMAN BURTON: You know, statutory would be a
16 definition as to whether they preempted this or that.

17 Regulatory would be whether or not it's really
18 just overreaching.

19 MR. GOULD: And that's exactly what the
20 Comptroller is trying to do right now, both with respect to
21 powers and with respect to what he's calling visitation rights.
22 It's massive.

23 CHAIRMAN BURTON: Senator Johnson.

24 SENATOR JOHNSON: No questions.

25 CHAIRMAN BURTON: Senator Romero.

26 SENATOR ROMERO: What specific plans might you
27 have to increase financial literacy in areas that have been
28 traditionally underserved by financial institutions?

1 MR. GOULD: Well, we would continue efforts that
2 are already under way at the department. We do have, and
3 actually I did bring along some of our consumer brochures and
4 consumer activities, in conjunction -- in partnership with other
5 financial literacy organizations, Jump Start and some others.

6 We are an advocate and a participant in financial
7 literacy. In fact, last month was Financial Literacy Month.
8 The Governor had a proclamation. We are -- and you can visit
9 our website and see all of the activities that revolve around
10 our financial literacy efforts.

11 CHAIRMAN BURTON: Could I ask a question.

12 MR. GOULD: Yes.

13 CHAIRMAN BURTON: I'm sure the proclamation had a
14 great effect.

15 What's the definition of financial literacy? I
16 think I know who we're talking about. If I'm right about whom
17 we are speaking, I doubt if stuff on the website's going to be a
18 great advantage to them.

19 MR. GOULD: Well yeah, that's true.

20 SENATOR ROMERO: Or in English, for that matter.

21 MR. GOULD: Our materials are in multiple
22 languages, English and Spanish, and I have examples here for you
23 if you'd like.

24 The delivery, the specific delivery in April was
25 into grammar schools. One of the key partners we had was the
26 Bank of Humboldt County. Actually the Chief Deputy of the
27 department went up there and taught at grammar schools, and
28 taught the importance of saving, taught about how banking --

1 banks work, et cetera, et cetera.

2 CHAIRMAN BURTON: Wouldn't we be talking about
3 adults that have something rather than the kid? I remember the
4 great thing where the banks used to come in, Bank Day, and you
5 put your dollar in and you never got any interest. And I
6 remember having a bill that required --

7 MR. GOULD: Christmas Club.

8 CHAIRMAN BURTON: I remember a bill on the floor,
9 and I don't know who it was by -- Hugh Flornoy or he was the guy
10 who opposed it -- but basically you couldn't pass a bill saying
11 that they ought to pay interest on this money they got from the
12 little fellows.

13 I mean, I would that think we're talking more
14 about adults that aren't used to banking practices, or whatever,
15 than you are teaching kids the value of opening up a Christmas
16 account.

17 MR. GOULD: Well, I think part of the philosophy
18 is, if you get them at an early age, they can become adults who
19 do understand it, and they've done something to help themselves.

20 CHAIRMAN BURTON: In the meantime, their parents
21 get ripped off of whatever they have.

22 MR. GOULD: Well, that's the other end of the
23 spectrum. There is, and we are involved with, elder abuse.
24 That's a major issue.

25 CHAIRMAN BURTON: That's the top end, because if
26 they understand it, they might say, "Johnny, let me tell you
27 this."

28 Unless we're assuming the kids in Humboldt County

1 that are going to tell their father, who used to be lumberjack
2 who lost work, or a commercial fisherman who lost work because
3 the lumberjack didn't lose work, that "Daddy, let me tell you
4 what we learned in school today."

5 Excuse me, Senator Romero.

6 SENATOR ROMERO: That's where I think we should
7 go more. We've got immigrant entrepreneurs; we've got
8 non-English speaking entrepreneurs; we've got folks who don't
9 necessarily have a level of education, or who went through
10 schools. And even if you do, you might not end up with
11 financial literacy.

12 But it's really in this vein. I represent East
13 Los Angeles, San Gabriel Valley. And I will tell you, when I
14 meet with members of my own Chamber of Commerce in many of these
15 areas, they do talk about the desire to, amongst their own
16 members and shopkeepers, a lot of small businesses, to look for
17 ways to just boost their own. And these are themselves speaking
18 and saying, "We'd like some assistance."

19 MR. GOULD: And at the department, we're a strong
20 supporter and advocate of our trade associations to help in this
21 effort, and they are.

22 In the department, I'm sure you recognize that
23 our primary mission is safety and soundness of institutions. We
24 have tried to carve out an effort via our public information
25 officer and one other officer that deals with consumer issues,
26 to make progress on financial literacy and other things, for
27 which we have no funding and actually no dedicated support
28 staffing.

1 But we do advocate and we do support the industry
2 making progress in these areas, and we will clearly continue to
3 do that.

4 And we'd be willing to, you know, consider other
5 initiatives the department might take if we were, you know,
6 supported in that effort.

7 Actually and curiously, the California
8 Performance Review had asked us the question, why are you in
9 this business when your business is safety and soundness?

10 So, there are different perspectives on the
11 extent to which you might get very involved in this.

12 But you have a very, very legitimate point that I
13 think it's both for the department and for the industry. And if
14 you took a look at what our California Bankers Association does,
15 and probably even more so our California Credit Union League
16 does for small businesses and other consumers, they have
17 significant efforts in this regard.

18 SENATOR ROMERO: Your Statement of Economic
19 Interest, of courses, is provided to the Committee Members.

20 Do you have any concern at all that any of your
21 holdings in institutions like Wells Fargo or City Corps might
22 pose any appearance of impropriety, given the role that you will
23 be filling?

24 MR. GOULD: I don't believe so. My holdings are
25 small, and neither of those banks are regulated by me or
26 anything else.

27 . The institutions that I did have holdings in that
28 would have been regulated by me, I have disposed of those

1 holdings. Or, if there's any situation where I was closely
2 connected to an institution, I've recused myself via my
3 delegation of authority at the department from dealing with
4 those matters.

5 SENATOR ROMERO: Thank you.

6 CHAIRMAN BURTON: Senator Karnette.

7 SENATOR KARNETTE: What are your views on the
8 expansion of credit unions -- you mentioned credit unions a few
9 minutes ago -- into these markets that are traditionally held by
10 banks?

11 I get questions on this a lot.

12 MR. GOULD: We have, you know, a free and open
13 competitive financial environment in California. And basically,
14 the authorities that are granted to either banks or credit
15 unions come by way of the Legislature.

16 I'm supportive of a very competitive environment
17 between all financial services and institutions that addresses
18 all the public's needs.

19 SENATOR KARNETTE: So you would just say, we
20 follow the law; right?

21 MR. GOULD: We follow the law.

22 SENATOR KARNETTE: Okay.

23 MR. GOULD: And we'll help you consider the law;
24 that's right.

25 SENATOR KARNETTE: You'll give us your opinions
26 if we ask.

27 MR. GOULD: That's right.

28 SENATOR KARNETTE: Okay, thank you.

1 CHAIRMAN BURTON: Do you have any family with
2 you?

3 MR. GOULD: Yes, I do, quite a few, actually.
4 I have my wife Cheryl. Can they stand? That's
5 my wife Cheryl.

6 My son Trevor. My daughter Erin. My sister
7 Tracy. My brother-in-law Rich. My nephew Ryan. My sister-in-
8 law Marybeth. My sister-in-law Robin. And my father-in-law
9 Carl.

10 SENATOR ROMERO: You win the family award.

11 [Laughter.]

12 MR. GOULD: Thank you.

13 CHAIRMAN BURTON: That's why I never asked that
14 question.

15 [Laughter.]

16 CHAIRMAN BURTON: Witnesses in sport, briefly.
17 Name, rank and serial number.

18 MR. VAN ETEN: Thank you, Mr. Chair and
19 Members. John Van Etten on behalf of the California Credit
20 Union League, briefly to thank the Committee staff, the Members,
21 the Members' personal staff.

22 There's always concerns. Mr. Gould has made
23 himself more than available to us. We appreciate that. We've
24 worked through those, and we're here in strong support for him
25 as a candidate.

26 Thank you.

27 MS. PADDEN: Mr. Chair and Members, Maurine
28 Padden on behalf of California Bankers Association.

1 It's very rarely that you will see a committee
2 room in which both the credit unions and the banks agree, but we
3 wholly support Mr. Gould in his confirmation as Commissioner of
4 Department of Financial Institutions.

5 Thank you.

6 CHAIRMAN BURTON: Witnesses in opposition? Move
7 the nomination.

8 MR. HA: I have a brief letter to read.

9 CHAIRMAN BURTON: Greenlining?

10 MR. HA: Greenlining.

11 My name is Vina Ha. I'm a policy fellow at the
12 Greenlining Institute. We're a multi-ethnic public policy
13 institution located in the Bay Area.

14 I'm just going to read in a short two-minute
15 statement on behalf of the Institute.

16 Over the last decade, the Commissioner of
17 Financial Institutions has been little more than a caretaker
18 position who has offered only tepid support for consumer and
19 community reinvestment issues.

20 Although Greenlining respects Commissioner
21 Gould's illustrious career in banking, we've heard that the
22 Commissioner will not make a strong commitment to playing a
23 major role in supervising and leading banks toward a more
24 pro-consumer and pro-community reinvestment policy. For
25 example, when Greenlining and Operation Hope organized a meeting
26 on adjustable rate mortgages last week, many of the major banks,
27 including Wells Fargo, City Bank, Bank of America, and
28 Washington Mutual, attended along with all of the regulators,

1 including the San Francisco Federal Reserve, OTS, OCC, and the
2 FDIC. The Commissioner's office, on the other hand, failed to
3 send even a representative.

4 This office's inaction has been in stark contrast
5 to the Superintendent of Banking in New York who has been the
6 leader in opposing mergers that ignore consumer rights and a
7 proponent of state's rights against federal preemption.

8 Greenlining believes that since the office has
9 been inactive on issues related to low-income and minority
10 communities, this Committee should consider following the
11 Governor's cost cutting measures and eliminate the
12 Commissioner's office outright. The savings from the
13 elimination of the office can then be allocated to the UC and
14 CSU students who were denied admissions to this fall's incoming
15 freshman class.

16 In conclusion, Greenlining believes that this
17 office is only worth having if the Commissioner makes a pledge
18 today to commit to being a truly proactive Commissioner and
19 within the jurisdiction of his office become as effective as the
20 Superintendent of Banking in New York.

21 Thank you.

22 CHAIRMAN BURTON: Call the roll.

23 SECRETARY WEBB: Senator Karnette.

24 SENATOR KARNETTE: Aye.

25 SECRETARY WEBB: Karnette Aye. Senator Romero.

26 SENATOR ROMERO: Aye.

27 SECRETARY WEBB: Romero Aye. Senator Johnson.

28 SENATOR JOHNSON: Aye.

1 SECRETARY WEBB: Johnson Aye. Senator Burton.

2 CHAIRMAN BURTON: Aye.

3 SECRETARY WEBB: Burton Aye. Four to zero.

4 CHAIRMAN BURTON: Congratulations.

5 MR. GOULD: Thank you very much.

6 CHAIRMAN BURTON: Kirk Lindsey, Transportation
7 Commission.

8 Do you remember B.T. Smith?

9 MR. LINDSEY: Yes, sir.

10 CHAIRMAN BURTON: How many people would know that
11 but you and me?

12 MR. LINDSEY: Yes, sir.

13 CHAIRMAN BURTON: B.T. Smith, hell of a
14 halfback.

15 MR. LINDSEY: Yes, sir.

16 CHAIRMAN BURTON: I move the nomination.

17 [Laughter.]

18 MR. LINDSEY: Thank you.

19 My name's Kirk Lindsey, and I've been, I guess,
20 reappointed to the California Transportation Commission. It is
21 an honor to be here before you today.

22 I sent you my goals. I want to thank you for the
23 opportunity to serve the state the last four years.

24 And I've watched as we have come into the issues
25 of the day, and would hope that you would reaffirm my
26 appointment so that we can work on the salvation of the
27 transportation industry in the next four years.

28 With that, I'll be short, sweet, and answer any

1 questions you might have.

2 CHAIRMAN BURTON: Senator Johnson.

3 SENATOR JOHNSON: No questions, Mr. Chairman.

4 CHAIRMAN BURTON: Senator Romero.

5 SENATOR ROMERO: No questions.

6 CHAIRMAN BURTON: Senator Karnette.

7 SENATOR KARNETTE: I just want money for
8 transportation, if you can think of a way to get it.

9 MR. LINDSEY: Yes, ma'am.

10 SENATOR KARNETTE: Especially goods movement.
11 That's our big interest.

12 CHAIRMAN BURTON: Just a couple quickies.

13 Under the current law, decisions made for
14 transportation are made at the regional level, regional plans
15 that have control over 75 percent of the money in the STIP,
16 while Caltrans has just 25 percent of the STIP funds.

17 Does that ratio work, or would you think of
18 recommending a shift modification? What's your point of view?

19 MR. LINDSEY: My point of view is, the 75-25's
20 too high.

21 I like the idea that the local entities know
22 what's best for local communities and certainly need to have a
23 great input on that.

24 With the 25 percent regional funds, I think it's
25 limiting on the scope and the size of projects that can be done
26 that might be interregional and across the community lines. I
27 would suggest that that's probably a little bit too high.

28 CHAIRMAN BURTON: What should it be?

1 MR. LINDSEY: 50-50 or 60-40.

2 CHAIRMAN BURTON: Witnesses in support briefly.
3 Robert.

4 MR. BALGENORTH: Bob Balgenorth, State Building
5 Trades.

6 I've served with Commissioner Lindsey for the
7 last two years and found him to be an extremely effective
8 leader, one who understands transportation and has been fair
9 with the handling of both rural and urban areas.

10 And so, on his birthday -- today's his birthday,
11 his 57th birthday -- it's a pleasure to be here and stand up
12 without any reservation in support of Kirk.

13 CHAIRMAN BURTON: Eclectic employment -- Cable
14 Car Food and Deli, Pizza Machine.

15 MR. LINDSEY: You just have to look at my
16 waistline, Senator.

17 [Laughter.]

18 CHAIRMAN BURTON: Where were you from him
19 originally?

20 MR. LINDSEY: I grew up in San Jose.

21 CHAIRMAN BURTON: How'd you get to Abilene
22 Christian?

23 MR. LINDSEY: I was awarded a scholarship to go
24 back there and play water polo and swim.

25 CHAIRMAN BURTON: Do you have a picture of
26 Vitman --

27 MR. LINDSEY: No, sir.

28 CHAIRMAN BURTON: -- in the Hall of Fame?

1 MR. LINDSEY: They do at the school. I thought
2 do I. No, I don't. Bobby Morrow was also from Abilene
3 Christian.

4 CHAIRMAN BURTON: I remember him from days gone
5 by.

6 Witnesses in opposition? Hearing none, call the
7 roll.

8 SECRETARY WEBB: Senator Karnette.

9 SENATOR KARNETTE: Aye.

10 SECRETARY WEBB: Karnette Aye. Senator Romero.

11 SENATOR ROMERO: Aye.

12 SECRETARY WEBB: Romero Aye. Senator Johnson.

13 SENATOR JOHNSON: Aye.

14 SECRETARY WEBB: Johnson Aye. Senator Burton.

15 CHAIRMAN BURTON: Aye.

16 SECRETARY WEBB: Burton Aye. Four to zero.

17 CHAIRMAN BURTON: Congratulations.

18 MR. LINDSEY: Thank you all very much.

19 CHAIRMAN BURTON: Anne Sheehan, Personnel Board.

20 MS. SHEEHAN: Thank you, Senator and Members, for
21 the opportunity to be here today.

22 I think each of you have a statement that I
23 submitted, so briefly I will just highlight a couple of things
24 that are my priorities and my goals for this appointment.

25 As you know, the SPB really is the defender of
26 the merit system of the civil service of the state, and that
27 really is my number one primary goal, to continue that tradition
28 of my previous board members and the group that I sit with today

1 on the Personnel Board.

2 A couple other things I'd like to mention, EEO
3 laws and anti-discrimination laws. I think it's very important
4 for the state to recognize its diverse population to make sure
5 that we have laws that are not only on the books to protect
6 people, but also are enforced and defended. This is a very
7 important role for the Personnel Board, and one that the Board
8 agrees that we need to play close attention to.

9 Second issue, the Governor, as you may know, has
10 recently signed an executive order on EEO in state government
11 and directs the Board to work with other state agencies to
12 enforce and defend that executive order and the laws on the
13 books.

14 Couple other things I think Board needs to be
15 involved in. Greater use of technology in administering and
16 carrying out our role: testing, administration, examination.
17 We do testing now on-line, which has been very helpful across
18 the state. It's my hope that the Board can use technology in an
19 even greater capacity in the future.

20 Couple other things, and then I'd be happy to
21 answer some questions.

22 I think one of the things that we have seen,
23 especially with the hearings -- I know I've talked to some of
24 the Members on the Corrections cases -- the Board needs to do a
25 better job and more communication with other state agencies,
26 what resources we have available to state agencies and to
27 workers in terms of mediation services, training on how to carry
28 out the state human resources laws, how to prepare cases, how to

1 work with people to prevent some of the disciplinary cases from
2 coming to us. This is something I think the Board needs to do a
3 much better job at, in communicating to and with the fellow
4 departments, not only for them to come to us, but for us to
5 outreach to them. It's something that I know I and my fellow
6 Board members have talked about spending a lot more time doing
7 and communicating with other departments.

8 You have my written statement. I would be happy
9 to answer any questions, and I appreciate the time and
10 opportunity to testify.

11 CHAIRMAN BURTON: Two things. One is, according
12 a series of articles in the Contra Costa Times, where there
13 seemed to be large number of cases either reduced or overturned,
14 which in theory could undermine enforcement of workplace rules,
15 et cetera.

16 But one of the reasons for that seemed to be that
17 the cases presented to you weren't really all that well prepared
18 and didn't give you enough to go on.

19 MS. SHEEHAN: Well, we have seen the article,
20 Senator, the couple of articles from the Contra Costa.

21 But that is correct. The cases -- as you know,
22 the Board is a quasi-judicial body. I mean, we give --
23 administrative judges hear the cases. We either adopt or
24 nonadopt their decisions. And they really, the departments have
25 to meet, if they want to discipline someone, the preponderance
26 of evidence that they have made their case.

27 Many times the cases come before us, and the
28 departments have not made -- met that legal test.

1 CHAIRMAN BURTON: Does your board, either the
2 board as a whole or the Executive Director, somebody, tell these
3 departments?

4 In other words, they can complain and say, "Well,
5 we tried and they overturned us." But it's like a DA. If they
6 don't prepare a case, the jury's not going to convict, or the
7 judge is not going to convict.

8 MS. SHEEHAN: Yes, we do. In the decisions, we
9 will, or if we have hearings, we will communicate that we need
10 to make sure the evidence meets that legal threshold for us to
11 take disciplinary action.

12 CHAIRMAN BURTON: Besides in the hearing, just as
13 a matter of policy, tell them they ought to just do their work.
14 You know, that they ought to do their work better than wasting
15 your time, their time, the taxpayers' money.

16 MS. SHEEHAN: Yes. We have through our Executive
17 Director and our legal office over there, after decisions are
18 rendered and the department will complain or say, you know, "You
19 didn't uphold it, and we have this very bad actor," or they
20 didn't meet the statute of limitations. Many times under POBAR,
21 they have one year. If they go beyond that, there's nothing we
22 can do in terms of extending that.

23 So, we do communicate back with departments in
24 terms of what they need to do to prepare their cases better if
25 they feel they actually have evidence where someone needs to be
26 disciplined.

27 Many times the legal office in whatever
28 department should probably get involved more often early on in

1 the process.

2 CHAIRMAN BURTON: You want to, or somebody may
3 want to, whether it's from the Governor's office, bring together
4 your lawyers, the lawyers from the departments and say, if any
5 of this stuff is going to be meaningful, you'd just better do it
6 right.

7 MS. SHEEHAN: Absolutely. And actually, our
8 counsel's office does hold meetings with the other counsels from
9 the departments. There's what's called, I believe, a Council
10 of Counsels, which is the other legal counsels. And they go
11 through our decisions, the ones we've, you know, upheld, are
12 precedential. What are those threshold and standards they need
13 to meet in order for a case to be upheld.

14 CHAIRMAN BURTON: I would just suggest if it
15 continues, it almost would make sense to bring in the Governor's
16 lawyer in, or somebody, to just whack them on the head and say,
17 "Do it." Because if people are screw-ups, they ought to pay the
18 price; if they aren't, they shouldn't, but if it's sloppy work.

19 The second thing is an answer to a question I've
20 had since your first appointment, that you're not Jack Sheehan's
21 daughter.

22 MS. SHEEHAN: That is correct, I'm not.

23 CHAIRMAN BURTON: I know that now.

24 MS. SHEEHAN: Other people have asked me that,
25 though.

26 CHAIRMAN BURTON: Well, she was around the
27 Capitol, working around the Capitol.

28 MS. SHEEHAN: Yes, exactly.

1 CHAIRMAN BURTON: Senator Johnson.

2 SENATOR JOHNSON: No questions.

3 CHAIRMAN BURTON: Senator Romero.

4 SENATOR ROMERO: I appreciate that you raised the
5 concerns that have been raised in particularly Senator Speier's
6 Government Efficiency Oversight Committee with respect to
7 Corrections and the State Personnel Board.

8 Hopefully, too, with the adoption of the new
9 model of the Office of the Independent Review early on, that we
10 can try to correct some of those problems.

11 MS. SHEEHAN: Yes, and I've seen the various
12 bills, and I think both of those -- I think there are a couple
13 there that would go a long way in terms of addressing some of
14 the issues that we have, because what happens is, we take --
15 people say, "Well, they wouldn't discipline them."

16 Well, if a case was brought, and they were able
17 to document it, absolutely, we're able to uphold that.

18 SENATOR ROMERO: Terrific.

19 Let me ask you, do you still collect data on the
20 diversity of state employees?

21 MS. SHEEHAN: We do have to comply with 209, and
22 we do have to go see what areas are represented, what are
23 under-represented in terms of that. So, there is some data that
24 we do collect, but we have to be careful to make sure that we
25 don't violate 209.

26 SENATOR ROMERO: So, for the data that you have
27 collected, can you paint a picture of what that data shows?

28 MS. SHEEHAN: Well, we have a diverse workforce.

1 I think more can be done in terms of our outreach efforts to
2 better reflect the diversity of the State of California. I
3 think in some departments they do a good job of outreach and
4 diversity; in some areas they aren't as well represented as the
5 general population.

6 In terms of specifics, I'd have to go back and
7 get some of the reports.

8 SENATOR ROMERO: I'd be interested in looking at
9 those at a later date.

10 Thank you.

11 CHAIRMAN BURTON: Senator Karnette.

12 SENATOR KARNETTE: Senator Speier had a bill, SB
13 413, which had to do with whistleblower, a new whistleblower
14 program. It's operated by you, and it's supposed to protect
15 state employees who report improper government activities.

16 Do you think this will work? Do you have any
17 opinions on that bill?

18 MS. SHEEHAN: Do I think it's working?

19 SENATOR KARNETTE: Well, I'm just asking for your
20 opinion of how well it's going to work or is working?

21 MS. SHEEHAN: Well, the cases -- we've had a
22 couple of instances where people have come before us in terms
23 of, say, they believe that they are whistleblowers. There is a
24 standard there again that has to be met under that, not just
25 give information, but that there was proven retaliation against
26 that person that was taken in direct response.

27 From what I've seen so far, it does work well.
28 The Board serves as an independent set of eyes, ears in terms of

1 looking at that information so it isn't just in that department,
2 where there may be some bias against an individual.

3 But what I've seen so far, it's worked. We
4 haven't had -- the short time I've been there, since November,
5 there haven't been a lot of cases, but what I've seen today, it
6 does work very well.

7 SENATOR KARNETTE: I have another comment.

8 The Little Hoover Commission back in 1995
9 recommended the elimination of the SPB and transferring its
10 responsibilities to the Department Personnel Administration.

11 Do you think these two entities overlap one
12 another, and should they be handled in a different way?

13 MS. SHEEHAN: Sure.

14 One, no, I don't think the SPB should be
15 eliminated. You'd have to amend the Constitution to do that
16 because, as you know, we were created through an initiative in
17 1934.

18 SPB and DPA have very different responsibilities.
19 As you know, Senator, DPA was created after collective
20 bargaining came into existence for state workers. And DPA really
21 does sort of represent management in terms of negotiations on
22 the contracts. And SPB plays the adjudicatory role, still does
23 testing, examination, classifications.

24 There's a little -- there's some overlap, but I
25 think there is a role for both. I think it's very important for
26 the board to exist independently because of the nature,
27 especially the adjudicatory role that we play, and the
28 independence of the board in that adjudicatory disciplinary

1 role.

2 SENATOR KARNETTE: Thank you.

3 CHAIRMAN BURTON: Witnesses in support, briefly.

4 MR. READ: Thank you, Mr. Chairman and Members.

5 Aaron Read here representing three groups: the California
6 Association of Highway Patrolmen, CDF Firefighters, and the
7 Professional Engineers.

8 I've personally known Anne Sheehan for over ten
9 years. We have worked with her on a variety of issues in her
10 previous capacities, and we've always found it's in her nature
11 to be fair and open. We appreciate that, and we think she'll do
12 a great job with the Personnel Board.

13 So, we're pleased to be here to support her
14 nomination.

15 CHAIRMAN BURTON: Witnesses in opposition?

16 Did you want this job or what?

17 MS. SHEEHAN: Well, as you can see from my
18 background, I had been at this agency during the Wilson years,
19 so I was aware of the role of the SPB and was very interested in
20 the work that they do, and did make my interest known to the
21 Governor during the process of the transition.

22 CHAIRMAN BURTON: Weren't you appointed by Gray?

23 MS. SHEEHAN: No.

24 CHAIRMAN BURTON: Did you do anything?

25 MS. SHEEHAN: I worked -- I was appointed by
26 Governor Schwarzenegger.

27 My fellow board member behind me was appointed by
28 Gray.

1 CHAIRMAN BURTON: That I know.

2 I guess when you were with Consumer Affairs, that
3 must have been when the question was first raised, if you were
4 Jack Sheehan's daughter.

5 SENATOR JOHNSON: Move the nomination.

6 CHAIRMAN BURTON: Do you have any family? Is
7 your father Jack here?

8 [Laughter.]

9 MS. SHEEHAN: No, Jack couldn't make it today.

10 CHAIRMAN BURTON: Call the roll.

11 SECRETARY WEBB: Senator Karnette.

12 SENATOR KARNETTE: Aye.

13 SECRETARY WEBB: Karnette Aye. Senator Romero.

14 SENATOR ROMERO: Aye.

15 SECRETARY WEBB: Romero Aye. Senator Johnson.

16 SENATOR JOHNSON: Aye.

17 SECRETARY WEBB: Johnson Aye. Senator Burton.

18 CHAIRMAN BURTON: Aye.

19 SECRETARY WEBB: Burton Aye. Four to zero.

20 CHAIRMAN BURTON: Congratulations.

21 MS. SHEEHAN: Thank you.

22 CHAIRMAN BURTON: Burks Dean Shelton, Gambling
23 Control Commission.

24 MR. SHELTON: Good morning, or good afternoon,
25 Mr. Chairman and Members of the Senate Rules Committee.

26 I'm Dean Shelton of the California Gambling
27 Control Commission. As a result my long history of public
28 service, experience in law enforcement, and knowledge of

1 gambling issues, I feel that I have the unique skills that
2 qualify me to represent the State of California as Chairman of
3 the California Gambling Control Commission.

4 I have over 36 years' experience in law
5 enforcement, of which 12 years was in investigation, 11 years as
6 a police chief, and I also have 7 seven years of public service,
7 serving under former Governor Pete Wilson as his law enforcement
8 liaison. During that term, I also served on the Board of Prison
9 Terms as a Commissioner, Executive Director of the Office of
10 Criminal Justice Planning, and Executive Officer of the Youthful
11 Offender Parole Board.

12 I also served on the Gambling Committee for the
13 California Peace Officers Association, of which I'm a lifetime
14 member. I'm a member of the California Peace Officers
15 Association, California Police Chiefs Association, and the FBI
16 National Academy Association.

17 CHAIRMAN BURTON: Could I just ask you, I'm just
18 looking, and it's idle curiosity, except when you were the Chief
19 of Police at South Lake Tahoe, I don't see anything -- Police
20 Chief, Woodland and Ripon, BPT, OCJP, YOPB, Pete's law
21 enforcement liaison -- what experience do you have in gambling?

22 MR. SHELTON: I served on the committee with
23 CPOA.

24 CHAIRMAN BURTON: What committee was that?

25 MR. SHELTON: The Gambling Committee of the
26 California Peace Officers Association, where we reviewed the new
27 games, talked about penal codes, and introduced legislation.

28 I also served on a committee for the Lottery, and

1 I organized committees where we did everything we could to keep
2 the Lottery from going into Class 3 gaming and games they were
3 introducing during the Wilson term.

4 I worked closely with the casinos as the Chief of
5 Police, and I formulated opinions on gaming.

6 CHAIRMAN BURTON: All right, idle curiosity.

7 What is it that the Commission's going to do?

8 MR. SHELTON: Well, the Commission is pretty
9 limited. We regulate; we issue license. We have more authority
10 over the cardrooms than we do tribal gaming.

11 But what I see with the tribal nations and the
12 gaming is that they're coming forth. They're very cooperative.
13 They're being open. They're very professional. My dealings
14 with them have been very encouraging. We're forming committees
15 to look and see what we can live with and future regulations.
16 They've pretty much opened their doors to us. There've been no
17 problems with going in to do what few audits have been done. We
18 hope, if we have the personnel, to do more audits in the future.

19 CHAIRMAN BURTON: Audits?

20 MR. SHELTON: Audits.

21 CHAIRMAN BURTON: Which audit?

22 MR. SHELTON: All we're in charge of is the
23 gambling of the machines. And we audit how many they have in
24 place, how many are serviced, if they're within their quota
25 that they have, if they're operational.

26 CHAIRMAN BURTON: That's just a matter of going
27 one, two, three, four, five; right?

28 MR. SHELTON: It's that and looking at the books,

1 looking at the revenue.

2 CHAIRMAN BURTON: They allow you to look at the
3 books and the revenue? They do allow you to look at the books?

4 MR. SHELTON: Yes, sir, they do. We can't share
5 that information. Tribal information is confidential, but we
6 can come in and look at that.

7 CHAIRMAN BURTON: I understand that. I once
8 asked Richard Milanovich how much they did a month, and he asked
9 me what I wanted to eat for dinner. Thank you.

10 Senator Johnson.

11 SENATOR JOHNSON: No questions.

12 CHAIRMAN BURTON: Senator Romero.

13 SENATOR ROMERO: On the renegotiation of the
14 compacts, is there any turning to the Commission at all for any
15 input, advice, suggestions? I'm just curious what your role
16 might be even in an informal capacity.

17 MR. SHELTON: What we have done is, we worked
18 with Mr. Siggins, and we went to all the Commissioners and the
19 executive staff and said, "Where do you see shortfalls? Could
20 we firm up in the compacts?" And we presented him a binder to
21 work with, with Mr. Kolkey.

22 And it's just giving us a little more latitude in
23 working with tribal nations.

24 SENATOR ROMERO: Thank you.

25 CHAIRMAN BURTON: One question before Senator
26 Karnette.

27 Again, it's idle curiosity. Between August, 2000
28 and February, 2002, what were you doing? There was a gap.

1 MR. SHELTON: I was flying back and forth to my
2 mother in Missouri who passed away.

3 CHAIRMAN BURTON: Okay.

4 And the other thing is, you were interim chief at
5 Ripon just while they were looking for a full-time chief?

6 MR. SHELTON: Yes, sir. I go in, work six to
7 eight months, help them recruit a new chief. I act as a chief.
8 I do their budget.

9 CHAIRMAN BURTON: Pretty safety kind of guy.

10 MR. SHELTON: Yes, sir.

11 CHAIRMAN BURTON: Same thing with Woodland?

12 MR. SHELTON: Yes, sir. And both entities
13 offered me the permanent position, but I didn't wish to do that
14 any longer.

15 CHAIRMAN BURTON: Do you have any family here,
16 sir?

17 MR. SHELTON: No, sir, I didn't.

18 CHAIRMAN BURTON: Witnesses in support?
19 Witnesses in opposition?

20 Call the roll.

21 SECRETARY WEBB: Senator Karnette.

22 SENATOR KARNETTE: Aye.

23 SECRETARY WEBB: Karnette Aye. Senator Romero.

24 SENATOR ROMERO: Aye.

25 SECRETARY WEBB: Romero Aye. Senator Johnson.

26 SENATOR JOHNSON: Aye.

27 SECRETARY WEBB: Johnson Aye. Senator Burton.

28 CHAIRMAN BURTON: Aye.

1 SECRETARY WEBB: Burton Aye. Four to zero.

2 MR. SHELTON: Thank you very much.

3 [Thereupon this portion of the
4 Senate Rules Committee hearing
5 was terminated at approximately
6 2:40 P.M.]

7 --ooOoo--
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SHORTHAND REPORTER

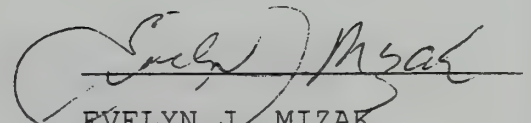
I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

14th day of May, 2004.


EVELYN J. MIZAK
Shorthand Reporter

April 24, 2004

The Honorable John L. Burton, Chairman
Senate Rules Committee
State Capitol, Room 500
Sacramento, CA 95814-4900

Dear Senator Burton:

As requested in your letter of April 16, 2004, I have outlined my short and long-term goals for the Committee's review. Thank you for the opportunity to communicate my goals as a member of the Youth Authority Board. I look forward to discussing my plans to serve the people of the State of California and the youthful offenders of the Youth Authority with you and the other members of the committee.

Short Term Goals:

Continue to be pro-active in visiting institutional and community-based programs utilized in field parole to evaluate their quality and effectiveness.

To foster communication and access to board members for policy makers, administration, line staff and wards.

To become familiar with the new *Interactive Journaling* process being introduced in institutions, so that I can assist in evaluating the effectiveness of the program and the ward's internalization of the training at parole consideration hearings.

To assist the Board in the full implementation of both the *Valdivia and Armstrong* case law requirements in parole consideration hearings.

Long Term Goals:

To give input that will help ensure that female wards have access to the same quality training and programs that the male wards do.

APR 26 2004

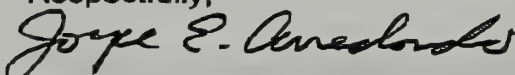
To assist in the increased and enhanced use of electronic monitoring as an additional public safety safeguard that would allow the board to parole those individuals who may be in need of more intense supervision when initially placed on parole; and to continue on parole those parolees that commit violations that indicate they would benefit from additional supervision but do not necessarily warrant revocation.

To encourage the Youth Authority to implement Transitional Residential Program (TRP) in as many counties as possible as an effective bridge between parole consideration and actual parole, and to better assist in the successful reentry of wards to the community.

To actively participate on those Youth Authority Committees that could benefit from my community based background.

Should you have any questions or are in need of additional information; I can be reached at (916) 712-4056.

Respectfully,



Joyce E. Arredondo

Subject : Statement of Goals
 Howard Gould
 Commissioner of Financial Institutions

HOWARD GOULD GOALS

I am pleased to have the opportunity to accept Governor Schwarzenegger's offer that I join his Administration, and I seek your confirmation of my appointment, for the very simple reason that I feel I can add value to the state's role in financial institution regulation and can bring experienced managerial expertise to the governmental process.

Background

I am in a unique stage of professional life wherein my three decades of experience and success in the financial services sector allows me to now focus only on making a contribution. I believe I can make that contribution unaffected by any motivation other than to add value and share what expertise I may have developed. This is the same motivation that led me to become a college professor following retirement from my banking career.

It is also unique that I held a similar position during the Deukmejian Administration. I believe it is that experience, plus my decades as a business executive that will allow me to bring valuable perspective to the Commissioner's duties. During my career, I have seen financial services from the viewpoints of a front line business executive, as a regulator, as a legislative consultant, and as a business consultant. In these various capacities I have dealt with all segments of the financial services industry that I will now regulate. I have managed and consulted to banks, savings and loans, and industrial banks; I have handled the failure of banks, savings and loans, industrial banks, and money changers; I've been involved in the regulation of banks, savings and loans, industrial banks and credit unions; and I've been the client of banks and a credit union. This unique set of experiences provides me with broad perspective of this industry and the dramatic change it is undergoing.

Goals

The opportunity the Governor has given me to add value is the core of my single personal and emotional goal, and that is to leave the Department of Financial Institutions as a significantly more effective governmental organization when I depart than it was when I arrived. And hopefully to make my presence felt, in a positive progressive way, to the industries we regulate. This assumes nothing negative in the department's status, only the optimism that we can achieve continuous improvement. I will endeavor to find ways to measure this progress during my tenure.

In addition to that emotional goal, I have two simply stated business goals – namely:

- To achieve status for the department as the recognized leader among state financial institution regulators nationwide, and

- To build that leadership on a base of solidly competent people and business practices that allows us to most effectively protect the clients of our state's financial institutions.

The first goal - to be #1 among state regulators - is clearly the rightful place for California, given the nature of our state's financial services industry, and is within reach. We must establish benchmarks that are indicative of our status such as accreditation ratings, client surveys, and peer feedback. Being #1 means we are looked to as a peer of the national regulators with whom we cooperate, it means our methodologies are progressive and effective, it means that our opinions are sought from a variety of stakeholders, and that our people are seen as creative in meeting the regulatory challenges in our dynamic industry. Being #1 will enhance the confidence the Legislature and the Administration can place in us.

The second business goal - of continuous enhancement of competence, as the means to building our leadership position - is pursued via two key avenues: our people and our processes. The business of the Department is purely a people business. There is no manufacturing, no supply chain, there are simply people using their skill to protect the public's confidence in our financial system, in the most efficient manner. And effective process is the means by which we can best leverage the limited resource of our people's skills. Because we are resource constrained, we must find process improvements that help target our people's time on the highest value added activities. In the first weeks of my tenure, we have re-engineered our new bank charter approval process, and reduced the time involved by at least fifty percent.

As a result, our goal of continuous improvement of competence is delivered through consistent skills development for our staff, through efforts to improve our personnel practices to help retain our competent people, through never-ending challenges to improve our processes that save time and money, and through skillful utilization of technology to simplify the development and delivery of competence.

Multitudes of initiatives are necessary to pursue this competence goal, but the determination exists to undertake the tasks. My key role will be to guide and nurture those initiatives, and to leave behind a culture that will sustain competence long after I depart.

In the face of the many challenges that confront our industry and its regulators, as well as the challenges to the dual banking system and state's rights, a solidly competent Department of Financial Institutions is our strongest offense and our only defense.

I look forward to having the opportunity to again serve our state, the Legislature, and the Schwarzenegger Administration as your Commissioner of Financial Institutions.

**BRITE TRANSPORT SYSTEMS, INC.**

P. O. BOX 726 • PHONE (209) 869-3681

RIVERBANK, CALIFORNIA 95367

FAX (209) 869-6135

May 3, 2004

Honorable John L. Burton
Senate
State Capitol, Room 420
Sacramento, CA 95814-4900

Dear Senator Burton,

It is an honor to have been nominated by Governor Schwarzenegger to serve a second term on the California Transportation Commission. I look forward to my confirmation hearing before Senate Rules Committee on May 12, 2004 and I thank you for the opportunity to share my short and long term goals for the Commission at this time.

My over arching goal for the Commission is that it continues to be an active partner in the fight to reinvigorate the California economy and enhance the quality of life for each and every resident. In my opinion, transportation plays a critical role to successfully winning that fight and the Commission is an integral part of making transportation in California functional.

During my first appointment, I witnessed funding for transportation go from an all time high to a crisis level in California. This crisis however, in my view, offers opportunities as well as challenges. It is my desire to capitalize on these opportunities by interjecting discipline into transportation project programming and funding. Also, by continuing to demand accountability and a business model approach to transportation decision making we will be able to maximize available funding.

The challenges in this fiscal climate are enormous. In the short term, my goal for the Commission is to continue to work with the Department and the transportation stakeholders to establish a reasonable balance of investment between adequately maintaining existing transportation facilities with the need for capacity increasing projects.

In the long term, my goals for the Commission can be broken down into two areas. First and foremost, the development and implementation of an adequate transportation system on a timeline that is responsive to the needs of the state is dependent on stable, predictable and reliable funding. My experience of the last two years has demonstrated the inefficiency and ineffectiveness of starting and stopping projects. I would like to see the Commission take a leadership role in addressing this issue.

The second area of immense importance, in my view, is that of goods movement. I would like to see the Commission take more active role in policy development, as well as in ensuring that transportation infrastructure projects that facilitate goods movement are programmed and funded. The economic viability of both California and the nation is dependent on the flow of goods from California ports. I believe that the Commission's involvement in this arena will provide great benefit.

I hope that this gives you an initial sense of my goals for the Commission and I look forward to discussing these and other issues at the May 12th hearing.

Sincerely,


R. Kirk Lindsey

Statement of Anne Sheehan
Senate Rules Committee
May 6, 2004

The State Personnel Board (SPB) established in 1934 is constitutionally mandated to administer and enforce the state civil service system with the overriding principle that appointments and promotions in the state civil service system should be based on merit. As such, the SPB administers a number of programs all designed to ensure that selection, promotion and disciplinary processes are fair, efficient, non-discriminatory and merit-based. Over the years, SPB has taken on additional personnel responsibilities within state government but all of its programs and mandates are predicated on the premise of a merit-based personnel system.

As one of the Members of the five-Member Board, I am pleased to share with the Committee my goals, which are both short term as well as long term for my appointment to this Board.

First and foremost, my major goal for this appointment to continue to protect and defend the merit principle upon which the SPB was established. It is very important for current state employees as well as potential state employees to know that they have a personnel system that is free from political influence and patronage. We as board members have an obligation to this fundamental principle. For over 70 years, my predecessors have served the people of California by preserving the merit principle embodied in the Constitution. It is my goal to continue their tradition.

With regard to specific goals, I would like to mention a few. One of the most important responsibilities of the Board is the enforcement of the state's equal

employment opportunity and anti-discrimination laws. California is truly a unique state with its diverse population. I believe the State can take advantage of this diversity by making sure our state workforce reflects this diversity. It is my hope that the SPB can play a more active role in working with state departments and agencies in their recruitment, appointments and promotion to ensure a diversified workforce. But in addition to recruiting a diversified workforce we also must take steps to ensure that our current workforce is free from discrimination. Strong anti-discrimination laws currently on the books must be understood and enforced by state management. The Board can and must do a better job training state managers and employees in this regard.

As you may be aware, the Governor recently signed Executive Order S-6-04 communicating his Administration's commitment to equal employment opportunity and non-discrimination in state personnel policy. The Executive Order also directs the SPB to provide leadership, coordination and guidance regarding efforts to achieve equal employment opportunities and non-discriminatory employment practices within State government. I look forward to working both with my colleagues on the Board and others in state government to carrying out this mandate.

An additional goal of mine is the greater use of technology in carrying out the Board's mission. The SPB has made great use of the Internet in testing, recruitment and education, which I believe, provides greater outreach to our state's population. The Board has also used its website to communicate new policy directives, regulatory changes, precedential decisions and other useful information to interested parties. It is my hope we can continue to do more in this regard. Technology has been a useful tool especially in the testing area. Candidates can schedule themselves to take certain tests

on-line, file their application on-line and learn immediately of their results. Not only does this save time but it saves the state money by eliminating the need for staff to process thousands of applications, schedule individuals to test or from having to rent facilities such as Cal Expo to administer these examinations. I look forward to working with the staff to design new ways to better use technology in carrying out our mission.

Another goal I have identified since assuming this job is to provide better and more frequent communication to and with those we serve. This includes state departments and agencies, state managers and employees, employee organizations and others. While most in state government know generally of the SPB, we need to do a better job in reaching out to our customers to make them aware of the Board's resources. This includes training courses and seminars, mediation and dispute resolution services as well as other resources the Board has available to state managers and workers in helping them do their jobs better. I know from personal experience, when a state worker is promoted to a management position they need to be trained in what is expected in their new position. A manager cannot be expected to manage without adequate training and yet this situation can frequently occur. On the same token, state managers need to communicate to workers what is expected of them and to provide feedback on job performance. The Board has tremendous resources available to the state's workforce but we need to do more in communicating what we resources we have available to share. But this need for communication is not just one way from the SPB to departments, agencies, managers, employee groups, unions and others, this communication needs to be two ways. We, the Board need to solicit comments from those we serve. We must see how we are doing, how we can improve our services and find out what we can do better.

An additional goal I would like to share with the Committee is the need for the Board to be even more strategic and forward thinking in carrying out its mission. I believe this is especially true in the recruitment arena. I mention this because it is expected that within the next five years over a third of the current state workforce will be eligible to retire. How are we the state going to ready ourselves for this change? We at the SPB need to work with departments and agencies to make sure we have recruitment, outreach and hiring plans in place to meet this need.

And finally, I would be remiss if I did not mention that one of my goals is to ensure the SPB has the resources necessary to carry out its mission. While I and my fellow Board Members are well aware of the state's fiscal situation and the need to manage our resources prudently, we are also very cognizant of our responsibility to make sure we have adequate resources to fulfill our constitutional mandate. Over the past few years, the Board has reduced its reliance on General Fund dollars and moved to a reimbursement structure. This has enabled the Board to continue to carry out its mission. The Board is very concerned about additional budget reductions and we are working with the Administration and your colleagues in the Legislature to ensure that the Board can continue to carry out its critical mission.

I appreciate the opportunity to share with Committee a few of my goals in taking on this position at the SPB. I would be happy to answer any questions the Members may have.

DEAN SHELTON
California Gambling Control Commission
Short and Long Term Goals

Short Term

Build a strong and collaborative organization.

- *Develop a Mission Statement and Strategic Plan*
 1. Identify all stakeholders and obtain their participation in the development of the Mission Statement and in the Strategic Planning process.
- *Open Communications and Outreach to Stakeholders*
 1. This is accomplished by an open organization, which includes the input of the public and stakeholders.
 2. Continue to build a cooperative relationship with the Tribes (both compact and non-compact) and card rooms.
- *Identify Issues and Priorities for Resolution*
 1. Workshops and meetings between Commission and stakeholders.
 2. Form committees to make recommendations to the Commission for decision.
- *Improve Responsiveness and Services*
 1. Working with Commission staff to develop priorities based upon needs and workload.
 2. Coordination with the Office of the Attorney General's Division of Gambling Control.

Long Term

Continually improve upon the operations of the Commission and review and update the Mission Statement and Strategic Plan.

- *Maintain and improve communications with all stakeholders.*
 1. Outreach to stakeholders for their input.

- *Regular internal audits of the Commission with the goal of improving its operations and services.*
- *Maximize the Commission's efficiency and effectiveness.*
 1. Ongoing review of regulations and policies for improvement and amendment, if appropriate.
 2. Centralized database system.
- *Keep the Public, Governor, Legislature and Stakeholders informed of the Commission's goals and responsibilities.*

492-R

Additional copies of this publication may be purchased for \$4.00 per copy
(includes shipping and handling) **plus current California sales tax.**

Senate Publications
1020 N Street, Room B-53
Sacramento, CA 95814
(916) 327-2155

Make checks payable to SENATE RULES COMMITTEE.
Please include Stock Number 492-R when ordering.

L500
R9
2004
no.9

HEARING
SENATE RULES COMMITTEE
STATE OF CALIFORNIA

DOCUMENTS DEPT.

SEP 30 2004

SAN FRANCISCO
PUBLIC LIBRARY



STATE CAPITOL
ROOM 113
SACRAMENTO, CALIFORNIA

WEDNESDAY, MAY 19, 2004
1:36 P.M.

1 SENATE RULES COMMITTEE

2 STATE OF CALIFORNIA

3
4
5
6 HEARING

7
8
9
10 STATE CAPITOL

11 ROOM 113

12 SACRAMENTO, CALIFORNIA

13
14
15 WEDNESDAY, MAY 19, 2004

16 1:36 P.M.

17
18
19
20
21
22
23
24
25 Reported by:

26
27 Evelyn J. Mizak
28 Shorthand Reporter

APPEARANCESMEMBERS PRESENT

SENATOR JOHN BURTON, Chair

SENATOR ROSS JOHNSON, Vice Chair

SENATOR JAMES BRULTE

SENATOR BETTY KARNETTE

SENATOR GLORIA ROMERO

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NETTIE SABELHAUS, Consultant on Governor's Appointments

SUSIE SWATT, Consultant to SENATOR JOHNSON

CHRIS BURNS, Consultant to SENATOR BRULTE

TIM SHELLEY, Consultant to SENATOR KARNETTE

CARY RUDMAN, Consultant to SENATOR ROMERO

ALSO PRESENT

PAT L. VAZQUEZ, Warden
Wasco State Prison

DAVE ARMENDARIZ, State Representative
National Latino Peace Officers Association

DARLENE ESTES, Legislative Liaison
Association of Black Correctional Workers

DEE MARTINEZ
SEIU, Local 1000; CSEA

BRUCE CARTER
California Correctional Supervisors Organization, Chapter 19

LEA ANN CHRONES, Warden
North Kern State Prison, Delano

1 MARK SKAGGS, Chapter President
North Kern State Prison
2 California Correctional Supervisors Organization

3 JULIAN NAVARRO, Central Region Vice President
4 Chicano Correctional Workers Association

5 KATHLEEN A. PROSPER, Warden
California Correctional Center, Susanville

6 SUZANNA AGUILERA-MARRERO
7 Chicano Correctional Workers Association

8 DALE PAUGH, Correctional Officer
9 Sierra Conservation Center

10 DON CATHEY, Chapter President
California Correctional Center
11 California Correctional Peace Officers Association

12 TEDA K. BOYLL
13 Retired Correctional Officer

14 JAMES A. YATES, Warden
Pleasant Valley State Prison

15 JOSIE GASTELO, Coalinga Chapter President
16 Chicano Correctional Workers Association

17 RAMIRO VILLARREAL, Chapter President
18 Pleasant Valley State Prison
California Correctional Supervisors Organization
19

20

21

22

23

24

25

26

27

28

INDEX

Page

Proceedings	1
<u>Governor's Appointees:</u>	
PAT L. VAZQUEZ, Warden	
Wasco State Prison ..	1
Background and Experience	1
Questions by CHAIRMAN BURTON re:	
Accountability of Wardens for	
Institutions' Budgets	2
Areas of Savings	3
Visiting Capacity and Experience with	
Reduced Number of Visitation Days	4
Literacy Programs	5
Inability of Inmates to See Counselors	6
Questions by SENATOR JOHNSON re:	
Date Correction	7
Questions by SENATOR ROMERO re:	
Experience with Lockdowns at Wasco	8
Currently on Modified Lockdown	10
Effect of Health Costs and Initial	
Screening at Reception Center	11
Questions by SENATOR BRULTE re:	
Employee Disciplinary Process	13
Overturning of Disciplinary Actions by	
State Personnel Board	13

Statements by CHAIRMAN BURTON re:

State Personnel Board Working with Departments land Agencies	14
---	----

Questions by SENATOR KARNETTE re:

Education Programs	15
--------------------------	----

Witnesses in Support:

DAVE ARMENDARIZ, State Representative National Latino Peace Officers Association	17
---	----

DARLENE ESTES, Legislative Liaison Association of Black Correctional Workers	19
---	----

Motion to Confirm	19
-------------------------	----

DEE MARTINEZ, President District 729, SEIU Local 1000, CSEA	19
--	----

Committee Action	21
------------------------	----

LEA ANN CHRONES, Warden North Kern State Prison, Delano	21
--	----

Background and Experience	21
---------------------------------	----

Questions by CHAIRMAN BURTON re:

Information or Background on New Arrivals at Prison	22
--	----

Vocational Education Eliminated	24
---------------------------------------	----

Average Literacy Level	24
------------------------------	----

Teacher Vacancies	25
-------------------------	----

Administrative Segregation Overflow Problem	26
--	----

Questions by SENATOR JOHNSON re:

Location of Bridge Teaching	26
-----------------------------------	----

Possible Reason for Teacher Vacancies	27
---	----

Questions by CHAIRMAN BURTON re:

Lack of Classrooms in Reception Area 28

Recidivism Due to Technical Violations 28

Statements by SENATOR ROMERO re:

Low Average Reading Levels 29

Ethnic Breakdown of Prisoners 29

Possibility of Too Many Expectations 29

Questions by SENATOR ROMERO re:

Ideal Mission for CDC 30

Unique Challenges Faced by Women
Employed in Corrections 32

Questions by SENATOR JOHNSON re:

Education Levels of Inmates Vs.
Reading Levels 33

Questions by SENATOR KARNETTE re:

Job Availability for Ex-Inmates 34

Witnesses in Support:

DARLENE ESTES, Legislative Liaison
Association of Black Correctional Workers 35

MARK SKAGGS, Chapter President
California Correctional Supervisors Organization 36

JULIAN NAVARRO, Central Region Vice President
Chicano Correctional Workers Association 36

DEE MARTINEZ, President
District 729, SEIU Local 1000, CSEA 37

Motion to Confirm 38

Committee Action 39

KATHLEEN A. PROSPER, Warden California Correctional Center, Susanville	39
Background and Experience	39
Questions by CHAIRMAN BURTON re:	
Number of Inmates Not in Camp Program or Educational Program	40
Loss of Vocational Education Money	40
Large Number of Inmates from Southern California	40
Inmates Not in Camp Program	41
Short-term Inmates	42
Reimbursement for Fighting Fires	42
Questions by SENATOR JOHNSON re:	
Use of phrase "First Termer"	43
Questions by SENATOR ROMERO re:	
Type of Training for Wardens	43
Questions by SENATOR KARNETTE re:	
Reimbursement Monies from Department of Forestry	44
Organization of Wardens	45
<u>Witnesses in Support:</u>	
SUZANNA AGUILERA-MARRERO Chicano Correctional Workers Association	46
DARLENE ESTES, Legislative Liaison Association of Black Correctional Workers	46
DALE PAUGH, Correctional Officer Sierra Conservation Center	47

TEDA KATHLEEN BOYLL, Retired	
Correctional Lieutenant	
California Department of Corrections	51

Witness in Opposition:

DON CATHEY, Chapter President	
California Correctional Center	
California Correctional Peace Officers Association ...	47

Rebuttal by MS. PROSPER	51
-------------------------------	----

Motion to Confirm	52
-------------------------	----

Committee Action	53
------------------------	----

JAMES A. YATES, Warden	
Pleasant Valley State Prison	53

Background and Experience	53
---------------------------------	----

Questions by SENATOR ROMERO re:

June 7, 2003 Incident, Lockdown, and	
Events Since That Time at Prison	54

Communication with Gangs to Prevent	
Future Incidents	60

Questions by CHAIRMAN BURTON re:

Negotiation with Gang Members	61
-------------------------------------	----

Questions by SENATOR ROMERO re:

Discussion Vs. Negotiation	62
----------------------------------	----

Questions by CHAIRMAN BURTON re:

Reason for Problems between Northern	
And Southern Hispanics	63

Gang Members Sent to Pelican Bay	64
--	----

Witnesses in Support:

DARLENE ESTES, Legislative Liaison	
Association of Black Correctional Workers	65

1	JOSIE GASTELO, Chapter President	
2	Coalinga Chapter	
3	Chicano Correctional Workers Association	66
4	RAMIRO VILLARREAL, Chapter President	
5	Pleasant Valley State Prison	
6	California Correctional Supervisors Organization	66
7	Motion to Confirm	67
8	Committee Action	67
9	Termination of Proceedings	68
10	Certificate of Reporter	69
11	APPENDIX (Statements of Goals	79

P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN BURTON: Governor's appointees appearing today, Pat Vazquez, Warden, Wasco State Prison.

MS. VAZQUEZ: Good afternoon, Senators. I would like to thank you for allowing me to be present today as the Warden at Wasco State Prison.

I've been with the California Department of Corrections since 1983, starting as a Correctional Counselor I at Folsom State Prison, working my way through the various classifications to Warden.

It is important for me today to acknowledge and thank many groups, people, and staff who have helped me attain this goal. To the inmates at CCI and their families, Inmate Council members who have prayed for my success and challenged me to be innovative, creative, caring and compassionate in responding to their needs; to the staff at CCI for the many years of support and loyalty; to the staff at Wasco State Prison for aiding me during my transition, also to Troy and to Thomas P. for the hard work the last few months; to the many friends and extended family present here today for being my teachers, my mentors, my spiritual counselors, and my confidantes; and to my family, to my husband, Fernando, to my children, Fernando and Andrea, for your continued support, your patience, and your understanding, and your undying love through this exciting journey.

Again, Senators, thank you, and at this time I'll respond to questions the Committee may have for me.

1 CHAIRMAN BURTON: Would you like to introduce any
2 family that's here?

3 MS. VAZQUEZ: Yes, Senator, thank you.

4 My husband, Fernando Vazquez, my son Fernando,
5 and my daughter Andrea Vazquez.

6 Thank you, Senator.

7 CHAIRMAN BURTON: In your opinion, what should
8 wardens be held accountable for in their institutions' budgets?

9 You don't control who you get in prison. You
10 don't control most of the health and mental health issues, so
11 exactly what it is that you could be or should be held
12 accountable, given the fact that there's certain things beyond
13 the warden's control?

14 MS. VAZQUEZ: Sir, at Wasco State Prison, we have
15 a practice of sound management alternative resource team. And
16 these are members of staff who ensure efficient use of our
17 resources and recommend viable alternatives to finding ways of
18 spending and saving money in our institution.

19 We promote fiscal responsibility among the staff
20 and the inmates at that institution. In past years, Wasco has
21 been known for saving approximately \$2 million annually in their
22 budget by practicing or having best practices. We have a
23 variety of programs that we have established toward saving money
24 in our budget.

25 Also as a warden, it's my responsibility to
26 monitor our budget and our expenditures on a daily basis, more
27 appropriately on a monthly basis through our monthly budget
28 plan.

1 Additionally, giving my staff and the inmates
2 expectations regarding how we will utilize our resources.

3 CHAIRMAN BURTON: What areas did the 2 million in
4 savings come from?

5 MS. VAZQUEZ: We have initiated a bulk feeding
6 program which has saved approximately \$195,000 dollars.

7 CHAIRMAN BURTON: What kind of program?

8 MS. VAZQUEZ: A bulk feeding program, sir.

9 In our reception center, in the past we have a
10 culinary program that the food trays were fixed in the culinary
11 area, transported to the units, and delivered to the inmate
12 population.

13 What we've done is, we have special equipment in
14 which we take the food to the housing units, and the inmates
15 come by and we serve them. As a result, we've been able to
16 redirect some of the correctional staff, actually 6.52 PYs, to
17 offset some of our overtime costs in the institution. The
18 result of the program, the inmates like the program better.
19 Their food is hotter when it gets to them through this program,
20 and the staff finds it to be a more efficient and effective way
21 of providing --

22 CHAIRMAN BURTON: In what other areas were you
23 saving?

24 MS. VAZQUEZ: Sir, at Wasco we have not had an
25 Administrative Segregation Unit overflow for over two years,
26 saving approximately \$900,000 annually. Staff is very involved
27 in monitoring the inmate cases and moving them throughout the
28 institution if they do not warrant placement in Administrative

1 Segregation. So, we have saved money. It's a continuous review
2 and monitoring of our inmate population and appropriately
3 housing them throughout the facility.

4 CHAIRMAN BURTON: That's about 1.1. What other
5 areas?

6 MS. VAZQUEZ: We also practice energy
7 conservation at Wasco. We've cut back our high mass lighting,
8 our yard lighting, water pressure, and we've saved approximately
9 \$61,000 with that program.

10 Additionally as a result of the program and
11 monitoring the water pressure, inmates are less apt to flush
12 clothing, therefore saving clothing for other resources that we
13 have in the institution.

14 CHAIRMAN BURTON: You're up to about 1.4, 1.5.
15 What else?

16 I'm just trying to figure out where the 2 million
17 comes from.

18 MS. VAZQUEZ: Those are just some of the
19 highlights of the program that we do have, sir. But if you
20 would --

21 CHAIRMAN BURTON: No.

22 What's your visiting capacity?

23 MS. VAZQUEZ: We have three separate visiting
24 rooms at Wasco State Prison. Facility A, we have a capacity of
25 172. Facility E, which is our minimum support facility, we have
26 a capacity of 76. Our reception center unit has 58 noncontact
27 visiting units, and we have 4 Ad. Seg. holding areas for visits
28 for a capacity of 210 visitors.

1 CHAIRMAN BURTON: What's been the experience with
2 the reduced visiting days? Do you get overcrowded? How's that
3 doing?

4 MS. VAZQUEZ: Since implementation of, or
5 reducing our visiting program from three days to two days, sir,
6 in February we had 7 terminations at Wasco due to overcrowding.
7 In March we had 9 terminations of visiting due to overcrowding.
8 And since then, we have had zero terminations in visiting.

9 CHAIRMAN BURTON: Have the visits gone down since
10 the reduction in days?

11 MS. VAZQUEZ: We did an analysis, sir. In March
12 of 2003, we had approximately 2800 visitors. And then we
13 compared it to March, 2004; we had approximately 2500 visitors.

14 CHAIRMAN BURTON: It's about the same?

15 MS. VAZQUEZ: Yes.

16 CHAIRMAN BURTON: We're told that the average
17 inmate reading level is about fifth or sixth grade.

18 Are they cutting literacy programs in prisons, or
19 increasing it, or what?

20 MS. VAZQUEZ: I believe, sir, in my opinion, we
21 have maintained some of the adult basic education programs, GED
22 preparation, and additionally now we have the bridging program
23 working towards improving and elevating the literacy rate for
24 inmates.

25 It is my opinion that as a warden, I'm
26 responsible for seeking additional resources or programs to try
27 to enhance the current programs that we have.

28 CHAIRMAN BURTON: We received, the Committee's

1 received some complaints that inmates were not seeing their
2 counselors for very long periods of time. What was the reason
3 for that? And then, what are you doing or can be done to make
4 sure that they're processed as efficiently as possible, and get
5 the counseling so they can figure out what to do with the
6 prisoners while they're in their care?

7 MS. VAZQUEZ: Sir, I'm rather sensitive to that
8 issue, in that I began my career as a Correctional Counselor I,
9 and I know how important it is for the inmate population to have
10 that communication with a staff person, especially a
11 correctional counselor. It is a concern that I have had as a
12 warden.

13 I am out in the units quite a bit, walking and
14 talking to the inmates. So, I did have the concern.

15 Of course, due to the bargaining units, et
16 cetera, there has been some workload reduction for the
17 Correctional Counselor I series, which is out of my control.

18 However, noting what the issue and the problem
19 was, I did do some research, my staff did some research. We
20 contacted labor in Headquarters and discovered that there was no
21 preclusion from Correctional Counselor Is having established
22 open-line hours so that they could have contact or inmates could
23 have access to them. As a result, two weeks ago I met with the
24 local CC I bargaining unit, and we've come to an agreement that
25 effective June 1st, 2001 [sic] we will establish a minimum of
26 four hours open-line per Correctional Counselor I in our
27 reception center and general population, so that inmates can
28 have access to the counselors.

1 Additionally, the counselors themselves were very
2 proactive, and indicated that they would like to have their
3 caseload, and their offices would be in the housing units to
4 have that continuity of access with the inmate population, also
5 so the correctional staff would also be able to share concerns
6 that they may become aware of.

7 So, I have a resolution to that problem, so I
8 will closely monitor it to ensure that inmates --

9 CHAIRMAN BURTON: Senator Johnson.

10 SENATOR JOHNSON: I assume you meant 2005 not
11 2001.

12 MS. VAZQUEZ: I'm sorry?

13 CHAIRMAN BURTON: When you responded you said
14 June 1st, 2001.

15 MS. VAZQUEZ: Oh, I'm sorry, no. June 1st, 2004.

16 CHAIRMAN BURTON: Very little gets by him.

17 MS. VAZQUEZ: Thank you.

18 SENATOR JOHNSON: No questions.

19 CHAIRMAN BURTON: Senator Romero.

20 SENATOR ROMERO: Thank you.

21 We spoke yesterday, and I'd like for you just to
22 expand on some questions that I asked of you. I'm particularly
23 interested in looking at violence in our institutions. We've
24 got four wardens up today. Of course, each institution is the
25 different.

26 I'd like to hear what your experience has been
27 with lockdowns in particular since you arrived. I understand
28 that you arrived at Wasco -- what was the date?

1 MS. VAZQUEZ: November 5th, 2003.

2 SENATOR ROMERO: Okay, so November 5th.

3 And perhaps give us a little bit about your
4 philosophy with respect to lockdowns, and the release from
5 lockdowns, and what decision making you use in deciding when to
6 lock down and for how long?

7 If you could talk about especially perhaps what
8 you noticed before you arrived, and then from your time to this
9 date, what have you experienced?

10 MS. VAZQUEZ: Upon arriving at Wasco, on our
11 general population yard we have approximately 587 Level 3
12 inmates. I reviewed the lockdown and modified programs that we
13 had at Wasco during the past year.

14 Within a six-month period, we had had three
15 serious riots on that general population yard. Additionally,
16 when I arrived there in the middle of November, we had another
17 riot on that yard.

18 My concern was that the severity and the number
19 of inmates that were involved in those riots was increasing.
20 So, we went into a modified program at that time.

21 I believe it's important to -- well, let me go
22 back.

23 So what we did was, we gathered information,
24 assessed the information. I had staff compile a threat
25 assessment, gathering information regarding what had caused the
26 riot; the groups that were involved.

27 We identified, first of all, inmates who were not
28 involved; released them as critical workers to continue their

1 program. The next step was, as we gathered more information, we
2 took another group of inmates that were not involved, were not
3 high risk for getting involved in similar behavior, so we took
4 inmates who were 35 years and older, and went into the next step
5 and allowed them to have yard program, dayroom programs, and
6 eventually got them back to work.

7 As we're gathering information, we took another
8 step, took another group of inmates that were 30 to 35, stepped
9 forward, and took them off of the modified program.

10 And finally, because we had through the
11 communication with the inmate population and the information
12 gathered by the staff, we were able to identify who the
13 instigators were in the last riot. We took our disciplinary
14 action and transferred them out of the institution.

15 I had ongoing communication with the staff,
16 establishing all the evidence. Also, it's important to have
17 that communication, in my opinion, with the inmate population.
18 You get a feeling for information that they may have that maybe
19 staff is not hearing. And so, worked closely with the inmate
20 population and finally resolved the situation, and we came back
21 to a full program for the Level 3 inmates.

22 As we discussed yesterday, Wasco is a reception
23 center, is very unique in that we receive inmates from 11
24 counties. And we have inmates from Northern California; we have
25 Southern Hispanics; we also have the Bull Dogs out of Fresno;
26 and then of course the Black, the White, the other inmates.

27 So, it makes it very unique. And because of
28 their own politics among the inmate population, we have to

1 ensure that all of the groups can program safely. So, we have
2 to have separate programs for the different factions.

3 As I explained to you yesterday, in our reception
4 center, again, being very unique, we have two facilities that
5 are self-housing, and we have two facilities that are open
6 dormitories. Now, if you have Southern Hispanics and Bull Dogs
7 in the open dormitories, they can program. Occasionally you
8 have a fight, but it's something that you can control. However,
9 if Bull Dogs and Southerners are housed in the dorm facility, if
10 they come in contact with one another, they do fight.

11 You go to our Level 3 facility, and the Bull Dogs
12 have to have a separate program because they don't get along
13 with the Southern Hispanics. However, when you move them to our
14 minimum support facility, they program well.

15 So, it's the internal politics between the
16 groups.

17 SENATOR ROMERO: From that November incident, are
18 you still on lockdown or some aspect of modified lockdown?

19 MS. VAZQUEZ: It's modified because we do have a
20 small group of Fresno Bull Dogs that are still housed on our
21 Level 3 yard.

22 SENATOR ROMERO: Are there 16?

23 MS. VAZQUEZ: Yes. So, we have to have a
24 separate program for that group.

25 SENATOR ROMERO: But those are the ones that are
26 still on some type of a modified lockdown. Everybody else is up
27 to normal?

28 MS. VAZQUEZ: Yes.

1 And I think that what's important in trying to
2 prevent the violence in the institutions as a warden, I think
3 that we need to continue training our staff to recognize the
4 signs that may lead to violence. I think it's very important to
5 keep those open lines of communication with the inmate
6 representatives so that they have the ability to air their
7 concerns and any issues that they may have regarding the
8 program.

9 I think it's very important to set expectations
10 for the inmate population and make them stakeholders in the
11 operation of that unit, and be aware that they have -- that we
12 have to work cooperatively together as inmates and staff to run
13 the program.

14 SENATOR ROMERO: I noticed also in the materials
15 you sent to us that there have been incidents reported of
16 tuberculosis, chicken pox, measles. It's a concern that I just
17 think is system-wide because we're beginning to hear more about
18 this tuberculosis. It's associated as a disease of poverty,
19 crowded conditions.

20 What observations do you have with respect to
21 what you're seeing, especially the reception center. That is a
22 point of entry. It's Ellis Island for CDC. We're going to get
23 sort of a status -- I hate to use the analogy, but it is; it's
24 an Ellis Island.

25 So, you are seeing, in a sense, the health
26 impacts. Given that health costs are all ready a major portion
27 of CDC's budget, how do these affect you? How do the health
28 costs affect you? What are you doing at the reception centers

1 early on to screen those inmates so they can be treated, and so
2 we do not see additional outbreaks like we have seen at some
3 other prisons in California?

4 MS. VAZQUEZ: Again, as a reception center, we
5 have a Receiving and Release, and the county buses bring the
6 inmates into this unit.

7 We have health care staff who are there. They
8 interview the inmates and note any previous medical history that
9 may be of concern.

10 Additionally, while inmates are in R&R, they're
11 given their TB test immediately, and then within a 48-hour
12 period, those test results are read.

13 If we do have, for example, as you noted, we have
14 had situations where the medical documentation was not clear.
15 So we did, for the safety of all the inmates, we did have to
16 modify the program for a short period of time. But as staff
17 gathered the information, and we were able to properly assess,
18 we returned to normal programs.

19 I think one of the programs that I have
20 experience with is the Peer Education Program. And what the
21 Department has done is provided certification for inmates to be
22 peer educators to the rest of the inmate population, and making
23 them aware of the communicable diseases and responsibilities
24 that they have as inmates if they have issues or concerns.

25 SENATOR ROMERO: Thank you.

26 MS. VAZQUEZ: Thank you.

27 CHAIRMAN BURTON: Senator Brulte.

28 SENATOR BRULTE: Can you walk through briefly the

1 disciplinary process you go through if one of your employees
2 does something wrong?

3 MS. VAZQUEZ: When the information comes to my
4 attention, at my office I have a number of options that I may
5 take. Based on the evidence or the allegations, I can either
6 have or initiate an inquiry, which is just gathering the
7 information so that I can have more evidence regarding the
8 situation.

9 If I have more serious information, I can
10 initiate a Category One investigation. Usually those are --
11 deal, for example, employee misconduct. Serious, but not
12 felony, or of such a severe nature that we have to initiate a
13 Category Two investigation.

14 I work closely with my Investigative Services
15 Unit, with the Office of Investigative Services, and also with
16 the Employee Relations Office in monitoring on a monthly basis.
17 And the information and evidence comes to my attention,
18 monitoring the evidence and then taking whatever steps that I
19 need.

20 At the conclusion of an investigation, I will
21 meet with the Employee Relations Officer. We contact Labor and
22 Legal in Headquarters regarding comparable action or sanctions
23 that may be taken against a staff person.

24 SENATOR BRULTE: Have you ever tracked the rate
25 at which the State Personnel Board overturns your disciplinary
26 actions on appeal?

27 MS. VAZQUEZ: Since I've been at Wasco State
28 Prison, sir, no, I have not. But I could gather that

1 information for you and present it to you on Monday.

2 SENATOR BRULTE: No. Look, I'm going to vote to
3 confirm you.

4 One of the things that we've uncovered in our
5 review of this department is that it tends to have a
6 significantly higher percentage of their personnel actions
7 overturned by the State Personnel Board, which would lead to one
8 or two conclusions, I guess, initially: that people are being
9 punished for things that they shouldn't have been, or the
10 process by which you go through may not be documented well
11 enough, so it continues to get overturned at a significantly
12 higher rate than other departments in state government.

13 I don't need it on a going backward basis, but I
14 would appreciate it if, on a going forward basis, you could
15 track that information so if we ever ask you for it.

16 MS. VAZQUEZ: Yes, sir.

17 CHAIRMAN BURTON: Actually, Senator Brulte, what
18 we found, I guess it was at a hearing on somebody on the State
19 Personnel Board, is that the departments don't always prepare
20 the cases properly, or whatever, when they're presented.

21 What they have started -- "they" meaning the
22 State Personnel Board -- is working with the various departments
23 and agencies, telling them, this is how you've got to present
24 your case, this is what you have to find to get it up there,
25 because a lot of them -- not Corrections, this was just
26 generically throughout the state bureaucracy -- that there were
27 complaints or whatever overturned because it just wasn't done
28 right.

1 SENATOR BRULTE: Absolutely. We saw that in the
2 Romero-Speier hearings. But the CDC had a significantly, almost
3 a geometrically higher percentage of those that were being
4 overturned by the --

5 CHAIRMAN BURTON: Anyway, the bottom line is that
6 the Personnel Board is supposed to meet with the attorneys of
7 the various departments and say, this is how you do it; this is
8 how you get it to us, because a lot of them were just kind of
9 rejected, some because it's too late, but for some of them on
10 the merits, and some on technicalities.

11 Senator Karnette.

12 SENATOR KARNETTE: I'm particularly interested in
13 education.

14 You say the average reading level's about 5.5, or
15 something like that?

16 MS. VAZQUEZ: Actually it's 4.6 at a reception
17 center.

18 SENATOR KARNETTE: Keeping that in mind, they
19 need to be educated. So what kind of work programs and
20 education programs do you have, or should you have? Because I
21 think that's very important, so when they get out, they can do
22 something other than go back to a life of crime.

23 MS. VAZQUEZ: Senator, we, through the
24 Department, have initiated the bridging program, which is a
25 distance learning model. And through this program, there is an
26 education assessment which is conducted --

27 SENATOR KARNETTE: Before you go on, a distance
28 learning, do they have to use a television in their cell or in a

1 group? How do you do that?

2 MS. VAZQUEZ: We do have the Correctional
3 Learning Network available to us in the institution so that --
4 and we do have a schedule of educational programs which are
5 provided to the inmate population on a daily basis. We publish
6 a monthly calendar in the institution.

7 SENATOR KARNETTE: Does somebody encourage them,
8 or tell them what they ought to be taking?

9 I mean, people who read at a fifth grade level
10 need a little help.

11 MS. VAZQUEZ: Senator Karnette, my background is
12 in education, so I know the importance of education programs.

13 And my opinion is, I think that we can be more
14 proactive, and I'm trying to be more proactive at my
15 institution.

16 I truly believe that we can -- we don't have to
17 provide Jerry Springer to these inmates 24 hours a day.

18 I think it's more important to provide different
19 types of educational programs, be it literacy programs,
20 substance abuse programs, religious programs.

21 I think education comes --

22 SENATOR KARNETTE: Or even algebra; right?

23 MS. VAZQUEZ: Yes, especially algebra.

24 But I think it's very important for us to be very
25 proactive and utilize the resources that we have and provide
26 better programs for the inmate population. And I'm attempting
27 to do that as the Warden at Wasco.

28 SENATOR KARNETTE: I really think that's really

1 something we ought to be looking at in all the prisons.

2 MS. VAZQUEZ: Yes.

3 CHAIRMAN BURTON: Witnesses in support, quickly.

4 MR. ARMENDARIZ: Mr. Chairman, Members of the
5 Senate Rules Committee, my name is Dave Armendariz. I'm here
6 today as the State Representative for the National Latino Peace
7 Officers Association, an organization with about 30, 35 chapters
8 in this state, and chapters in 40 states throughout this
9 nation.

10 As a matter of information to the Committee
11 Members, the Latino Peace Officers Association is comprised of
12 law enforcement professionals from local, state, federal
13 jurisdictions, and some from major corporations that include
14 sworn officers.

15 NLPOA, the National Latino Peace Officers
16 Association, is pleased to support and endorse the nomination of
17 Pat Vazquez for Warden of Wasco State Prison Reception Center.

18 Our organization has had a long-term positive,
19 very good relationship with Acting Warden Vazquez, going back to
20 approximately 1982, when members of our local chapter recruited
21 her into the field of law enforcement. She was able to compete
22 in the entry level correctional counselor exam and attained the
23 first rank and was appointed to Folsom.

24 Her abilities, her professionalism, was
25 immediately evident. She successfully competed in all of the
26 promotional exams at the first rank, and finally attained the
27 top civil service rank correctional administrator when she was
28 at Tehachapi. Thereafter, of course, she was appointed to the

1 Career Executive assignment as the Chief Deputy Warden, and most
2 recently, as we all know, Acting Warden on nomination by the
3 Governor.

4 She has participated -- we are aware that she has
5 participated in several statewide high-profile task forces by
6 the department, and she has participated in very critical
7 training for professionals, including the Law Enforcement
8 Leadership Conference. Her efforts have been recognized by the
9 department and she has been commended for them.

10 But beyond her professional level, it's obviously
11 important that what has evidenced here today is that she brings
12 a lot of new concepts and ideas, and wonderful concepts with not
13 only program effectiveness and efficiency, but also fiscal
14 responsibility and accountability.

15 CHAIRMAN BURTON: You're in support?

16 MR. ARMENDARIZ: And she enjoys such a great
17 rapport with the people that have encouraged her that her
18 first-time supervisor is here today, and he told me to mention
19 his name so it'd be a matter of record, because that's as close
20 as you can get to this Committee, and that's Harley Repitto, who
21 is here today supporting her at well.

22 CHAIRMAN BURTON: Thank you.

23 MR. ARMENDARIZ: With that, I want to just say on
24 behalf of the Latino Peace Officers Association, thank you very
25 much for the opportunity to provide this testimony on behalf of
26 Pat.

27 CHAIRMAN BURTON: Thank you.

28 Other witnesses in support briefly, because we

1 have a full complement today, and a number of us have to get to
2 some budget hearings.

3 MS. ESTES: Hello. As usual I will be brief.

4 I am Darlene Estes. I am the Legislative Liaison
5 for the Association of Black Correctional Workers.

6 The Association of Black Correctional Workers are
7 in support of Ms. Vazquez's appointment to Warden to Wasco State
8 Prison, and we are looking forward to working closely with her
9 in the future.

10 Thank you.

11 CHAIRMAN BURTON: Next.

12 SENATOR JOHNSON: Move the nomination.

13 CHAIRMAN BURTON: People coming up to speak, your
14 name, your organization in support.

15 MS. MARTINEZ: Good afternoon. My name is Dee
16 Martinez. I'm President in District 729, SEIU Local 1000 of the
17 California state association, CSEA.

18 I'm here on behalf of CSEA's Correctional
19 Institution Committee, known as CIC. I represent the members at
20 Wasco State Prison.

21 First, in light of much controversy regarding
22 many problems in the Department of Corrections, I would like to
23 take this moment to compliment The Senate Rules Members for
24 efforts exhaustive to improve the Department of Corrections.
25 This task has brought surface to many of problems we members
26 face day-to-day. SEIU Local 1000 is hopeful to be part of
27 finding smart solutions.

28 With that in mind, we have asked Ms. Vazquez for

1 her commitment to our membership to honor the language of the
2 contract, help resolve critical issues, and hold regularly
3 scheduled labor-management and health and safety meetings in an
4 effort to have an open dialogue to identify issues and seek the
5 most effective resolve for public safety, fiscal responsibility,
6 and taxpayer accountability.

7 She has committed to resolving issues at the
8 local level, and to keep ongoing communication with the union
9 leadership. She has expressed her concern regarding issues from
10 our members that we are currently looking into, but is committed
11 to meeting with us on anything concrete that might surface. At
12 this point, her willingness to interact with the union to help
13 resolving issues leads us to support her confirmation. We are
14 secure in believing that with Ms. Vazquez's commitment to attend
15 to issues from our membership and respect the contract, she is
16 sure to be successful in this appointment as Warden to Wasco
17 State Prison.

18 Therefore, on behalf of CIC, SEIU Local 1000,
19 CSEA membership, and as an officer of the elected leadership in
20 DLC District 729, I would like to go on record in support of
21 this confirmation. Thank you.

22 SENATOR JOHNSON: Unless there is a witness in
23 opposition, I would like to renew my motion.

24 CHAIRMAN BURTON: Any witnesses in opposition?
25 Hearing none, there was a motion made.

26 Those of you that are here in support, you can
27 sign up with the Sergeant and that will be entered into the
28 Committee record.

1 Call the roll.

2 SECRETARY WEBB: Senator Brulte.

3 SENATOR BRULTE: Aye.

4 SECRETARY WEBB: Brulte Aye. Senator Karnette.

5 SENATOR KARNETTE: Aye.

6 SECRETARY WEBB: Karnette Aye. Senator Romero.

7 SENATOR ROMERO: Aye.

8 SECRETARY WEBB: Romero Aye. Senator Johnson.

9 SENATOR JOHNSON: Aye.

10 SECRETARY WEBB: Johnson Aye. Senator Burton.

11 CHAIRMAN BURTON: Aye.

12 SECRETARY WEBB: Burton Aye. Five to zero.

13 CHAIRMAN BURTON: Congratulations.

14 Leo Chrones, Warden, North Kern State Prison,

15 Delano.

16 MS. CHRONES: Actually, it's Lea Ann, sir.

17 CHAIRMAN BURTON: Go ahead.

18 MS. CHRONES: Hi. My name's Lea Ann Chrones.

19 I'm the Warden at North Kern State Prison.

20 Thank you very much for letting me present to you
21 today and be here with you.

22 I'd like to thank my family members who are here
23 with me.

24 CHAIRMAN BURTON: Would you introduce them.

25 MS. CHRONES: There's Captain Christopher
26 Chrones, and my son Collin Louis, C-o-l-l-i-n.

27 I have worked at four different institutions
28 throughout my 24-year, going on 25-year career: Paroles

1 Division, Institutions Division, Administrative Division, and
2 I'm ready to answer any questions you might have today.

3 CHAIRMAN BURTON: When new arrivals come to you
4 from the county jails, what kind of information or background
5 information comes with them?

6 MS. CHRONES: It depends on the county,
7 actually. We get the Abstract of Judgment.

8 CHAIRMAN BURTON: Who's the best, who's worst?

9 MS. CHRONES: I don't know who the worst is.
10 L.A. County's pretty good, actually, with the type of
11 information that we get.

12 We get a little bit about their crime that they
13 committed. Certainly the length of time that they've been
14 sentenced to.

15 CHAIRMAN BURTON: Anything about their personal
16 background?

17 MS. CHRONES: It varies. If there's been a
18 problem with them in the county jail, we do get some history,
19 very limited. Many times we have to call and follow up on that
20 type of history.

21 We don't get a lot of medical history, which is
22 something --

23 CHAIRMAN BURTON: You do or you don't?

24 MS. CHRONES: Do not.

25 If they're on medication, we typically do know
26 about that. They may bring some with them.

27 CHAIRMAN BURTON: Typically. In other words,
28 there would be times when they are supposed to have medications,

1 and you don't know about it?

2 MS. CHRONES: It does happen a lot.

3 CHAIRMAN BURTON: They get a seizure or
4 something?

5 MS. CHRONES: Yes, could be.

6 We get them rather ill many times from county.

7 CHAIRMAN BURTON: And more often than not, forget
8 whether they cause trouble in county jail, but do you have any
9 information about the background or whatever?

10 MS. CHRONES: We ask them a lot of questions. We
11 may know what area they're from, if there's any gang involvement
12 on their part, if it's part of their crime.

13 CHAIRMAN BURTON: Would it be helpful if you got
14 -- and I don't even know if there's a law against it -- but like
15 their probation report or something, so that you know something
16 about these people when they come in, so you can figure out the
17 best way to deal with them, either stop them from getting into
18 trouble, or if they get in trouble, you know what buttons to
19 push?

20 MS. CHRONES: We typically do get the probation
21 officer's report, but it's not something that we know when they
22 just get off the bus. It's something that goes to the Records
23 Department; the file is then assembled, and that information is
24 put in the file to go to the counselor.

25 CHAIRMAN BURTON: I'm sorry, it goes to where?

26 MS. CHRONES: It goes to the file to be given to
27 the counselor to work up.

28 So, there's interim period of days before anybody

1 who really reads that knows what information is in it.

2 CHAIRMAN BURTON: It's not like a lengthy period?

3 MS. CHRONES: No, typically not.

4 CHAIRMAN BURTON: Voc. ed was eliminated at the
5 reception center. What replaced that?

6 MS. CHRONES: Well, nothing actually has replaced
7 it. We do have bridging on the mainline that's limited. We
8 have bridging in the reception center, but of course the
9 vocational programs weren't open to the reception center inmates
10 anyway.

11 We have Arts in Corrections, which is now under
12 education. I am looking into some more extended college classes
13 for my mainline inmates because they just really don't have a
14 whole lot. I don't have prison industry at my institution,
15 which is a good option work-wise for them.

16 So at North Kern, if they've all ready achieved
17 their GED, for example, and they aren't involved in
18 correspondence college courses right now, there isn't a whole
19 lot else for them to do but just work. I would like to get
20 something else established.

21 CHAIRMAN BURTON: What's the average reading
22 level, literacy level, for inmates?

23 MS. CHRONES: Well, mine's around 4.2.

24 CHAIRMAN BURTON: There can't be a hell of a lot
25 of them that are ready to do college work.

26 MS. CHRONES: But that includes the reception
27 center inmates, and we don't separate out that information, my
28 mainline from my reception center. So as a total, it's about

1 4.2.

2 CHAIRMAN BURTON: What do we do with them?

3 MS. CHRONES: In reception? We provide bridging
4 to them very recently, where they come in, they get a packet of
5 information.

6 CHAIRMAN BURTON: Does somebody read it for them?

7 MS. CHRONES: No, they don't. And that's, quite
8 frankly, in my opinion, part of the problem.

9 If they read English and speak English, inmates
10 do help each other, but that's not our expectation. That's
11 something they just do on their own.

12 The teachers do help them, but we are short
13 teachers.

14 So, I think we could do a lot more with the
15 bridging program to realistically --

16 CHAIRMAN BURTON: I would think you give somebody
17 a package, let's say, of even the do's and don'ts and they can't
18 read it, so they might do something that they don't supposed to
19 do.

20 MS. CHRONES: Well, we give oral orientation as
21 well. We give an orientation packet that tells them the rules
22 and regulations that are in their Title 15. We also give an
23 oral orientation to them, so they're told the basic do's and
24 don'ts so that they understand generally, you know, what's
25 expected of them.

26 CHAIRMAN BURTON: Do you have vacancies in the
27 bridge teaching?

28 MS. CHRONES: Yes, we do. Right now we were able

1 to hire an additional 11 two weeks ago, and that brought us up
2 to 23. We still have approximately 20 vacancies for teachers.

3 CHAIRMAN BURTON: Do you have the money to fill
4 the vacancies?

5 MS. CHRONES: Yes. We just don't have the people
6 that are on the list yet, but we're continuing testing.

7 CHAIRMAN BURTON: The facility seems to have an
8 Ag. Seg. overflow population as compared to Wasco.

9 Do you have any thoughts, either why or what you
10 could do about it, or how much it costs?

11 MS. CHRONES: I already did do something already
12 since you got your information.

13 On April 23rd, we were able to successfully close
14 the Ag. Seg. overflow. It took a long time to do that, and a
15 lot of work, and a lot of placement of inmates, and good
16 counseling work on the part of my staff.

17 But we have been able to close it down, and we
18 haven't had to reopen it. I really am very -- I have high hopes
19 that we won't have to reopen it.

20 CHAIRMAN BURTON: Senator Johnson.

21 SENATOR JOHNSON: Where does this bridge teaching
22 physically take place?

23 MS. CHRONES: Most of the time, the teachers go
24 up on the tiers, and it's cell front to cell front. There are
25 some exceptions. For example, we have a teacher who is confined
26 to a wheelchair. Obviously, he goes cell front on the first
27 floor, but the officers bring the inmates down if they're on the
28 second floor.

1 SENATOR JOHNSON: So, it's not in a classroom.

2 MS. CHRONES: No, it's not.

3 SENATOR JOHNSON: It's in a cell?

4 MS. CHRONES: Yes, or in a dayroom.

5 SENATOR JOHNSON: Do you think that might have
6 something to do with why you're having trouble finding people to
7 actually teach these? I mean, a little reluctance to go into --

8 MS. CHRONES: No, I haven't sat on the panels,
9 but I know when I speak to public members -- and I was in
10 recruiting many years ago as an officer -- and people have just
11 a general hesitance of the unknown.

12 But once we get the teachers in and hire them,
13 and once they start to work, we haven't had any leave.

14 SENATOR JOHNSON: Well, but by definition, the
15 ones that you hire, the ones you get in, are the ones who are
16 least concerned about that.

17 But you've got vacancies, and it would seem to me
18 that it's a pretty obvious possibility to consider that people
19 aren't interested in taking the job because they don't want to
20 go into a cell.

21 MS. CHRONES: Uh-huh. And, you know, we're
22 willing to do whatever we can do to facilitate the education
23 program, whether it's -- we don't have education rooms set up in
24 the reception center because when the reception center was
25 built, of course, it wasn't really built for that purpose.

26 We do bring them down to the dayroom floor on
27 occasion, and the Education Department for the Department is
28 really open to new ideas and new ways to kind of get this out

1 the best way we can.

2 CHAIRMAN BURTON: My brother taught at San
3 Quentin for 20 years. Some was in like dayrooms or classes, and
4 some, it was like to people that they used to call in Solitary
5 then.

6 MS. CHRONES: Right.

7 CHAIRMAN BURTON: So, you have no classroom
8 setup? Or just none in the reception area?

9 MS. CHRONES: None in the reception area. In the
10 mainline areas we have do have classrooms.

11 CHAIRMAN BURTON: How long are they in the
12 reception area?

13 MS. CHRONES: In my institution, my new
14 commitments are averaging around 72 days, and my -- I have
15 limited return to custody parole violators, but they're a little
16 bit longer. They're at about -- I'm sorry. New commitments are
17 67. Return to custody, about 72.

18 CHAIRMAN BURTON: Return to custody, do you know
19 how many of those are technical violations versus having done
20 something --

21 MS. CHRONES: You know, my personal opinion, and
22 from my experience at looking at the files, many of them are
23 technical violations.

24 CHAIRMAN BURTON: Senator Romero.

25 SENATOR ROMERO: Sometimes I can't help but feel
26 more and more depressed as we bring forth wardens for
27 confirmation.

28 It's interesting today. We've got four wardens,

1 four different facilities.

2 I was looking at the average reading level.
3 Wasco was 4.6; your reading level is 3.2, according to the
4 documents, but let's give it an extra year, 4.5. I feel better.
5 Susanville, 5.5. Pleasant Valley, that's the high for today,
6 that's eighth grade.

7 Then I take a look at the ethnic breakdown of
8 who's incarcerated. At North Kern, African American, 40
9 percent; Latinos, 43 percent; 83 percent black and brown men in
10 California.

11 I guess to some extent I would ask you, because
12 the Legislature and the people of California, we expect a lot
13 from Corrections. Perhaps we expect too much. And I say this
14 as having been a critic.

15 To some extent, we expect you to be social
16 workers. We expect you to educate. We expect you to give job
17 training. And, of course, at North Kern we've seen all the voc.
18 ed. programs have been cancelled. We may be offering college
19 classes, but with a third grade reading level, again the
20 question is, what are we really expecting?

21 I guess the question for me, and I certainly
22 intend to vote for your confirmation, but just frankly, what do
23 we tell the people of California, what do we tell the
24 Legislature?

25 We harangue you when we see the recidivism rates,
26 and yet I take a look at this cancellation of programs and I'm
27 thinking, unless we're serious, and I'm one, even those I'm
28 criticizing funding for Corrections, I certainly would want to

1 support a rehabilitation mission, which I don't think is there,
2 and that means probably investing resources into education.

3 In your documents, you indicate that it's hard
4 recruiting teachers to North Kern. What are your thoughts on my
5 depression at this moment? How do we address it? What should
6 be? If you could call the shots.

7 Maybe that's the wrong thing to use in
8 Corrections.

9 [Laughter.]

10 SENATOR ROMERO: If you were in charge overall,
11 what would be the mission for CDC so that when you come before
12 the Legislature, and we take a look at characteristics of our
13 inmates, how could we respond to perhaps looking at some of
14 these just glaring statistics that we see?

15 MS. CHRONES: Well, that's a very, obviously very
16 involved question. It involves a lot of different aspects.

17 But my personal opinion is that after working at
18 a lot of different institutions in a lot of different
19 capacities, I started out -- if you want to call, you know, I'll
20 call myself a guard in 1977, because those of us who were hired
21 then didn't want to be called officers because it was kind of a,
22 you know, cliché thing and we wanted to be called guards.

23 A lot has changed since then. I have seen the
24 benefit of education on inmates. I have seen the benefit of
25 family involvement, of positive role models that they're
26 involved with. I've seen the benefit of them when they're able
27 to give back something to somebody, whether it's their families,
28 whether it's, perhaps, a religious organization that comes in,

1 or other type of -- like a youth program that comes in that we
2 use the inmates for.

3 But really, it's very expensive to rehabilitate
4 people. It's very expensive. It's expensive to incarcerate
5 them. It's more expensive to incarcerate them and rehabilitate
6 them, if that's how you want to call it.

7 My personal opinion is, is that we need to --
8 those that are going to get out, and that's probably, off the
9 top of my head, 90 percent of who we have; they will get out
10 someday -- those who are going to get out, we need to really
11 prepare them, and we need to work with the community and with
12 the Paroles Division, or our equal on the outside, whether it's
13 the county or the state, and really get a whole life program.

14 Because, the revolving door is such that even if
15 they do well incarcerated, and they do their program, and they
16 do everything we ask them to do, and they don't get in trouble,
17 and they get their 250 bucks, or 200 bucks, and they hit the
18 door, they go back to the same neighborhood with the same
19 friends, the same house which enabled them right back into their
20 own situation.

21 And the support -- I worked in Paroles for a year
22 up in Oakland, there really isn't much there. I think the new
23 parole model is going to give us some hope that we're going to
24 incorporate the whole thing as one and really bring it together.

25 SENATOR ROMERO: Let me just ask you, I can't
26 help but notice that three of the four wardens subject to
27 confirmation today are women.

28 MS. CHRONES: Yes, we are.

1 SENATOR ROMERO: I understand that women are
2 about a third of wardens in California.

3 Are there unique challenges that women face? Are
4 women encouraged to go through the ranks and be promoted to be
5 considered to become a warden? Do you find any particular
6 challenges that you face?

7 Maybe you could just give us a little bit of an
8 experience of yourself as a woman becoming a warden.

9 MS. CHRONES: I have a very unique experience
10 because I started when I was 21, and I looked about 12. And I
11 was at San Quentin. And, I mean, I was an oddity there. There
12 were very few women that were actually working with the inmate
13 population. Most of them were up on gun towers and kind of away
14 from things.

15 But I was kind of a go-getter, and I wanted to
16 get every experience I could and get in the middle of
17 everything.

18 And like Pat, Pat started out as a counselor,
19 which is, you know, a much different experience when you're
20 first coming in than being in uniform.

21 The challenges for me were really at that time,
22 in 1977, more from my fellow staff members than it was from the
23 inmates, to be frank. The inmates, as long as you're fair and
24 consistent with them, they're fine. Some react better to women,
25 some react worse to women based on their own personal
26 circumstances of why they're there, for example.

27 I hadn't really thought a whole lot about
28 promoting until 1982 or '83, I believe, and I saw Ms. Peggy

1 Kernan show up at my institution in a uniform. And she turned
2 around, and she had these really shiny bars on her lapel. I'd
3 never seen a female supervisor before. And that, to me, just
4 gave me a whole new world that, you know, that I could do that
5 if I really wanted to.

6 I have always been encouraged to promote. I've
7 always been the type that I ask for what I want, and I get told
8 no a whole bunch, but then I get told yes enough so that it
9 makes it worthwhile.

10 We have to work really hard. I think we all have
11 to work really hard. The women have to work even harder than a
12 man. But it's been a very good experience for me.

13 SENATOR ROMERO: Thank you.

14 CHAIRMAN BURTON: Senator Johnson, do you have
15 another question?

16 SENATOR JOHNSON: Yes, I do have a follow-up
17 question because of the discussion about reading levels.

18 I think we all agree that the reading levels are
19 truly appalling.

20 But I'm interested in another measure, and that
21 is, what is the level of education obtained by these inmates?
22 In other words, they come in, and they read somewhere between
23 the third and fourth grade level, but how far did they get in
24 school? Do you have that information?

25 MS. CHRONES: Well, I can only give you from my
26 own personal reading of files. I've read I can't tell you how
27 many C Files of inmates, and especially when we're in committee,
28 I tend to kind of go back and just kind of look.

1 A lot of them state that they have ninth, tenth,
2 eleventh grade education. Yet, when they read --

3 SENATOR JOHNSON: Since we have compulsory
4 attendance in California, just common sense would tell you that
5 they've gone through. They've been promoted in the schools
6 consistently.

7 I'm as appalled as any Member of this Committee,
8 and no wonder they're committing crimes. But it's at least as
9 much an indictment of the school system as it is of the prison
10 system.

11 CHAIRMAN BURTON: Actually, did Corrections, I
12 don't know if you still do it, but they used to put out the
13 number of inmates, not the reading level, but the education
14 level, and then actually the type of crime, at least if it was
15 violent or nonviolent.

16 I don't know, Mike, do you have still have that?
17 You used to put out those little cards. I think they still have
18 that. I think that is it.

19 I would imagine that the fourth and fifth grade
20 reading level, that these weren't all guys that stomped out of
21 school at the fifth grade. Probably, God forbid, some of them
22 even graduated from high school.

23 Senator Brulte. No questions.

24 Senator Karnette.

25 SENATOR KARNETTE: What about jobs? When they
26 get out, do you have any way of knowing what kind of jobs they
27 get or can obtain? That seems to be a problem. Even if you
28 educate them, where do they get a job?

1 MS. CHRONES: That's a difficult problem. And
2 again, I hope the parole model kind of helps with that a little
3 bit.

4 We don't really do -- you know, with our
5 vocational programs gone at this point, there really isn't any
6 trade that they are cross-trained in.

7 If they're assigned to, let's say, the kitchen or
8 plant operations, they may learn a trade just by doing, but
9 they're not certificated.

10 SENATOR KARNETTE: Well, education is very
11 important, but you have to have opportunities as well. I mean,
12 a third, or fourth, or fifth grader could do certain jobs, but
13 they have to be available.

14 MS. CHRONES: That's true. A lot of the public
15 are hesitant to hire parolees, was my experience.

16 SENATOR KARNETTE: I know, and now with security
17 issues, that's really going to be a very big -- this concerns
18 me, because these people do come back, and now we have to check
19 everybody's background if you're going to do anything nowadays.
20 This really gives them another strike.

21 MS. CHRONES: Thank you.

22 CHAIRMAN BURTON: Witnesses in support, briefly
23 please.

24 Take a lesson from the Black Correctional
25 Officers. They know how this is done.

26 MS. ESTES: Thank you again. I'm Darlene Estes,
27 Legislative Liaison for the Association of Black Correctional
28 Workers.

1 The Association of Black Correctional Workers are
2 in support of Ms. Chrones' appointment as Warden to North Kern
3 State Prison, and we're looking forward to working with you
4 closely.

5 Thank you very much.

6 CHAIRMAN BURTON: Next.

7 MR. SKAGGS: Good afternoon. My name is Mark
8 Skaggs. I'm a Correctional Lieutenant at North Kern State
9 Prison, and also Chapter President for the California
10 Correctional Supervisors Organization.

11 Warden Chrones has, during this past year, been
12 able to listen to our voice and listen to our concerns, and been
13 more than happy to help us on some occasions when it at all
14 possible.

15 And we support her, and looking forward to
16 working with Warden Chrones in the future.

17 Thank you.

18 CHAIRMAN BURTON: Thank you, sir.

19 Next.

20 MR. NAVARRO: Good afternoon, Mr. Chairman. My
21 name is Julian Navarro. I'm the Central Region Vice President
22 for the Chicano Correctional Workers Association.

23 And we're here to support Ms. Chrones in her
24 confirmation for Warden. I've known Ms. Chrones for a long
25 time. We worked alongside each other in Wasco, and she actually
26 helped with a couple of my promotions while I was there.

27 [Laughter.]

28 MR. NAVARRO: I wholeheartedly support her

1 She's --

2 SENATOR BRULTE: Are you speaking for your
3 organization or yourself?

4 [Laughter.]

5 MR. NAVARRO: Actually, we canvassed the chapter,
6 and they submitted a letter of support for her. That's why I'm
7 here also, because we chose to support her in her confirmation.

8 CHAIRMAN BURTON: Thank you.

9 Next.

10 MS. MARTINEZ: We have two wardens in my
11 district.

12 Good afternoon again. My name is Dee Martinez,
13 and I'm President of District Labor Council 729 SEIU Local 1000
14 and CSEA.

15 I'm here on behalf of CSEA's Correctional
16 Institution Committee, known as CIC. I represent the members at
17 North Kern State Prison as well.

18 First of all, I'd like to thank Lea Ann Chrones
19 for meeting with the membership when we had a question and
20 answers, and she answered all our questions, whether we liked
21 them or not. Thank you.

22 Anyway, first, in light of much controversy
23 regarding many problems in the Department of Corrections, I
24 would like to take this moment to compliment the Senate Rules
25 Members for efforts exhausted to improve the Department of
26 Corrections.

27 Ms. Chrones has committed to the membership to
28 honor the language of the contract and help resolve critical

1 issues. Ms. Chrones holds regularly scheduled labor-management
2 committee meetings as well as health and safety meetings, an
3 effort to have an open dialogue to identify issues and seek the
4 most effective resolve for public safety, fiscal responsibility,
5 and taxpayer accountability.

6 She is also committed to resolving issues at the
7 local level, and to keep ongoing communication with union
8 leadership. She has expressed her concern regarding issues from
9 our members that we are currently looking into, but is committed
10 to meeting with us on anything we might have that's concrete.

11 At this point, her willingness to interact with
12 the union to help in resolving issues leads us to support her
13 confirmation. We are secure in believing that with Ms. Chrones'
14 commitment to attend to issues from our membership and respect
15 the contract, she is sure to be successful in this appointment
16 as Warden to North Kern State Prison.

17 Therefore, on behalf of the CIC, SEIU Local 1000,
18 and CSEA membership, and as an officer of the elected leadership
19 in DLC 729, I would like to go on record to support this
20 confirmation.

21 Thank you, and best luck to you.

22 CHAIRMAN BURTON: Thank you.

23 Witnesses in opposition? Hearing none.

24 SENATOR JOHNSON: Move.

25 CHAIRMAN BURTON: Move the nomination by Senator
26 Johnson. Call the roll.

27 SECRETARY WEBB: Senator Brulte.

28 SENATOR BRULTE: Aye.

1 SECRETARY WEBB: Brulte Aye. Senator Karnette.

2 SENATOR KARNETTE: Aye.

3 SECRETARY WEBB: Karnette Aye. Senator Romero.

4 SENATOR ROMERO: Aye.

5 SECRETARY WEBB: Romero Aye. Senator Johnson.

6 SENATOR JOHNSON: Aye.

7 SECRETARY WEBB: Johnson Aye. Senator Burton.

8 CHAIRMAN BURTON: Aye.

9 SECRETARY WEBB: Burton Aye. Five to zero.

10 CHAIRMAN BURTON: Congratulations.

11 MS. CHRONES: Thank you very much.

12 CHAIRMAN BURTON: Kathleen Prosper, Warden,
13 Susanville.

14 MS. PROSPER: Good afternoon, Senator Burton and
15 Committee Members.

16 I am Kathleen Prosper. I was appointed as the
17 Warden at the California Correctional Center in Susanville in
18 September of last year. I have been with the California
19 Department of Corrections for 24 years, the last 13 years at the
20 management level.

21 I have approximately 18 years working with the
22 inmate firefighter camp program, which is the primary mission of
23 my institution.

24 I am very honored to be here today and welcome
25 any questions you may have in consideration for confirmation as
26 Warden.

27 CHAIRMAN BURTON: You have about 6,000 inmates;
28 is that right?

1 MS. PROSPER: Correct.

2 CHAIRMAN BURTON: And about 1800 in fire camps?

3 MS. PROSPER: Of those 6,000, approximately 1865
4 are in the camp program. The remaining are at the institution.

5 CHAIRMAN BURTON: And you have how many that
6 aren't involved in either fire camp work or education? We've
7 got 1700.

8 MS. PROSPER: As of today, approximately 1700
9 inmates that do not have either an education or work assignment.

10 CHAIRMAN BURTON: And you lost voc. ed. money
11 this year?

12 MS. PROSPER: We lost six vocational programs
13 this fiscal year. Also during this fiscal year, we received six
14 bridging instructor positions, and those six positions are
15 filled. However, I also have approximately ten or eleven
16 vacancies with my academic instructors due to the current hiring
17 freeze.

18 CHAIRMAN BURTON: How about due to the location?
19 Does that make it tough?

20 MS. PROSPER: To date, we have had a pool to draw
21 from in recruitment, so it's more the hiring freeze that's been
22 our problem than the recruitment pool.

23 CHAIRMAN BURTON: How many of your inmates are
24 from Southern California?

25 MS. PROSPER: The majority of them.

26 CHAIRMAN BURTON: Why is that, do you think?

27 MS. PROSPER: Statewide we have more commitments
28 out of the southern counties than we do the northern counties.

1 CHAIRMAN BURTON: I understand that, but doesn't
2 somebody decide to send them up to Susanville?

3 MS. PROSPER: The decisions on where to send
4 inmates out of the reception centers includes a lot of
5 components, including where the available beds are.

6 Specifically for my institution, inmates in a
7 reception center that have the minimum custody, that have a
8 pretty clean background in their case factors will be sent to
9 Susanville to participate in the camp program.

10 CHAIRMAN BURTON: Isn't part of helping prisoners
11 along, so to speak, when they get back is the family? Must be a
12 hell of a ride from L.A. up to Susanville. You have to go
13 through Nevada, don't you?

14 MS. PROSPER: Yes, and that is a factor. There's
15 also a camp program at the Sierra Conservation Center which
16 serves the central and southern California.

17 However, I just need to defend the camp program.

18 CHAIRMAN BURTON: I'm not attacking the program.
19 I'm just saying it seems a bit to me, apparently you couldn't
20 get father away from L.A. unless you went down to Brazil.

21 Which isn't your fault, I know.

22 MS. PROSPER: Right.

23 CHAIRMAN BURTON: Some people might think it is.

24 MS. PROSPER: Thank you.

25 But the inmates will tell you that they have not
26 been in a position until they got to camp where they had the
27 self value of being available to send money home to the family.

28 CHAIRMAN BURTON: How about the other 4200 that

1 aren't in it though?

2 MS. PROSPER: A lot of the inmates at the
3 institution are in a pipeline, getting ready to go out to camp.
4 Our inmate population is rather transitory because we prepare
5 the inmates at the institution and then send them out to the
6 camp.

7 CHAIRMAN BURTON: Do you have a bunch of short-
8 timers there, or what?

9 MS. PROSPER: The inmates at CCC tend to be
10 short-term inmates. We're talking approximately three years or
11 so. Many of our inmates are first termers, the ones that are
12 going through the camp program.

13 CHAIRMAN BURTON: It seems a long way to send
14 somebody for three years.

15 When inmates fight fires, you get reimbursed, or
16 who picks up the tab for that? The Department of Forestry, the
17 local county, or who?

18 MS. PROSPER: The Department of Forestry
19 reimburses the Department of Corrections for all of the costs
20 involved with the fire fighting season.

21 CHAIRMAN BURTON: That's seasonal. What do they
22 do during the off season when it's snowing and raining?

23 MS. PROSPER: The inmates leave camp everyday no
24 matter if there's a fire or not. So, if they're not involved in
25 a wildland fire, they are providing community work in the local
26 communities where the camps are located.

27 For example, they will work in parks, school
28 grounds, road ways, and in helping the community with those type

1 of activities.

2 CHAIRMAN BURTON: Senator Johnson.

3 SENATOR JOHNSON: I just am curious. First
4 term? Is that a term of art?

5 MS. PROSPER: A first term is an inmate who
6 is -- it's his first term in prison.

7 SENATOR JOHNSON: I took your meaning when you
8 used it. I just wondered if that's something you coined just
9 now, or is this something that's a term of art in our prison
10 system.

11 We have first termers in the Legislature.

12 [Laughter.]

13 SENATOR ROMERO: And a high recidivism rate.

14 SENATOR JOHNSON: Yes, and a pretty high
15 recidivism rate.

16 MS. PROSPER: Had I known that, I would have
17 chosen a different term.

18 CHAIRMAN BURTON: Senator Romero.

19 SENATOR ROMERO: Again, too, we do expect a lot
20 from wardens.

21 What type of training do you go through? Have
22 you noticed any difference in training, especially as it
23 pertains to the fiscal management of your facility with the new
24 Secretary and Director of CDC?

25 MS. PROSPER: I am one of the fortunate ones. I
26 have received every training made available by the Department of
27 Corrections for managers.

28 The most recent program was the Public Safety and

1 Ethics Training. There has been a very small group selected to
2 go through that training, and I was able to do that. Not all
3 wardens are able to say that.

4 The Department is trying to promote this type of
5 training for future managers, and not just at the warden level.

6 As far as fiscal training, there has not been any
7 formal departmental training put together for, like, budget
8 training. However, Headquarters has provided at least annual
9 meetings to provide training to the management staff -- wardens,
10 chief deputy wardens, associate wardens, budget analyst -- to
11 discuss problem areas of the budget and any new directions for
12 our budget cycle.

13 SENATOR ROMERO: Thank you.

14 CHAIRMAN BURTON: Senator Karnette.

15 SENATOR KARNETTE: When the money is used to
16 fight fires, and the Forestry Department reimburses, do you get
17 the money? Or do you know if it ever is returned? If so, do
18 you get to use it?

19 MS. PROSPER: The money is reimbursed to
20 Headquarters not to CCC the institution. So, I never see it.

21 SENATOR KARNETTE: You never really see it. It
22 goes somewhere, but you don't know where?

23 MS. PROSPER: Correct.

24 SENATOR KARNETTE: Is there anything you could do
25 about that, do you think? Could you suggest that they send the
26 money to you? Would it do any good?

27 [Laughter.]

28 MS. PROSPER: I get credit for the

1 reimbursement. What I do is, throughout the budget year, I
2 track what the fire season has cost us. Then, at the end of the
3 year, when CDF reimburses the Department of Corrections, my
4 budget gets credit for that.

5 SENATOR KARNETTE: So in a way you do get it
6 reimbursed.

7 MS. PROSPER: It's not held against me as far as
8 incurring all of these costs and not having a reimbursement to
9 cover it. So, I do get credit for it.

10 SENATOR KARNETTE: Do you think it could be
11 handled better? As a manager I'm asking you, as a fiscal
12 manager.

13 MS. PROSPER: There have been ongoing
14 conversations in the last several years of taking a look at some
15 of the CDF reimbursement to put back into the camp program.

16 We put an awful lot of mileage on vehicles, and
17 our camps are rather old. We are always trying to identify
18 sources to keep our camps running proficiently.

19 So yes, I would love to have future conversations
20 as far as trying to have a little bit more control over the
21 money that does go back into the camp program.

22 SENATOR KARNETTE: Is there an organization that
23 wardens have? Do you have somebody to complain to above? I
24 mean, everybody has somebody to complain to, you know. We
25 complain to Senator Burton.

26 [Laughter.]

27 SENATOR KARNETTE: And Greg over there.

28 Sometime these little things make a big

1 difference. Do you get together like the union leaders do and
2 say, we need this, and why don't you do it?

3 MS. PROSPER: Since our new Director, Jeannie
4 Woodford has been in place, she has reimplemented wardens
5 meetings. So, we are meeting this year more than we have in
6 prior years.

7 We do a lot of talking on the phone with
8 Headquarters and each other. So, I'd say there really is a
9 supportive network as far as, yes, there are people for me to
10 talk to and to call on these issues.

11 SENATOR KARNETTE: Thank you.

12 CHAIRMAN BURTON: Witnesses in support.

13 MS. AGUILERA-MARRERO: Good afternoon and thank
14 you for affording me the opportunity to speak. My name is
15 Suzanna Aguilera-Marrero, known as Sam, with the Chicano
16 Correctional Workers Association, CCWA.

17 I'll keep it short and sweet because I know you
18 like it that way.

19 We're in support of the endorsement and hope that
20 you endorse her today.

21 Thank you.

22 CHAIRMAN BURTON: Next.

23 MS. ESTES: Hello again. Darlene Estes,
24 Legislative Liaison for the Association of Black Correctional
25 Workers.

26 The Association of Black Correctional Workers are
27 in support of Ms. Prosper's appointment as Warden to the
28 California Correctional Center, and we look forward to working

1 with you closely.

2 CHAIRMAN BURTON: Next.

3 MR. PAUGH: Good afternoon. My name is Dale
4 Paugh, correctional officer at Sierra Conservation Center.

5 During the entire time that Kathy Prosper worked
6 there, I was the chief job steward for the union. All the
7 dealings that I had personally with her I believe were above
8 board. I thought she did a very good job. I would work for her
9 any time.

10 Thank you very much.

11 CHAIRMAN BURTON: Witness in opposition.

12 MR. CATHEY: Good afternoon, Mr. Chair and
13 Committee Members.

14 I am Don Cathey, correctional officer and the
15 CCPOA Chapter President at the California Correctional Center.

16 I have had the pleasure of working as a
17 correctional officer at CCC for nearly 18 years.

18 To begin, I have to say I do not approach this
19 Committee with the position I oppose Ms. Prosper's confirmation
20 without long and difficult thought. I put staff safety at top
21 of my list of priorities. I expect the same from management.

22 Exhibit Five, where staff safety is jeopardized
23 by benching weapons during an incident to provide more escort
24 officers, inmates do get up and resume fighting or worse, turn
25 and attack staff. It is paramount we do not give them the green
26 light to get back up by leaving weapons behind.

27 Exhibit Twelve of the packet that I've given you
28 guys, Exhibit Twelve speaks to our ballistics test that are out

1 of warranty, according to the manufacturer. Ms. Prosper
2 requires officers to wear these outdated vests and uses the
3 analogy that we still drive our cars and use our coffee pots
4 after the warranty is up.

5 I am not asking my coffee pot to save my life.

6 Exhibit Eight references another meeting we had
7 concerning new code response procedures. She said she had
8 checked with Headquarters and several other institutions as to
9 whether the new procedures were in keeping with accepted code
10 response practices.

11 When I asked what institutions that you had
12 talked to, she said, "Well, knowing that you'll check, I can't
13 recall."

14 I felt she was again being less than honest with
15 me. When I questioned her in writing, she responded that since
16 I had access to the meeting notes, that should be sufficient to
17 satisfy any questions I might have.

18 Exhibit Seventeen perhaps illustrates how willing
19 she is to say whatever the listener wants or expects to hear in
20 order to protect her position. I heard supervisors in our Level
21 3 units were instructed -- instructing building staff on a new
22 procedure in how they were to respond when there was an incident
23 on the yard. I verified through several people that attended
24 that training that that training was being conducted as such.

25 I told her that I felt the new changes were
26 unsafe and put staff and inmates at serious risk. Management
27 assured me that the training was not happening. Ms. Prosper
28 wrote the Deputy Director, Cheryl Phylor, in response to my

1 allegations that my statements were inaccurate. She said that
2 there was no such training, and furthermore, if any proposed
3 changes were presented to her, she would solicit input from
4 impacted staff and me before implementing any such changes.

5 She did approve changes, dated April 1st, 2004,
6 that were placed in the post orders of the unit building staff
7 on May 5th without fulfilling her obligation to discuss the new
8 changes with me or any of the affected staff members.

9 I have to say that in my personal life, and
10 certainly in my career in the Department of Corrections, honesty
11 is an absolute must.

12 Exhibit Number Two, I cannot support her decision
13 to limit our permanent intermittent employees to a maximum of 32
14 hours of work per week. I find this to be a fiscally unsound
15 idea. She is actually paying premium overtime dollars to
16 full-time employees now in order to prevent our permanent
17 intermittent employees from exceeding their maximum 2,000-hour
18 annual limit.

19 Exhibit Fourteen illustrates another fiscally
20 irresponsible expense of overtime dollars. She authorized the
21 hiring of correctional sergeants for transportation details in
22 addition to the appropriate -- to the addition of the
23 appropriate number of officers for proper security coverage.

24 Normally when there is a large number of officers
25 assigned to transportation details, a supervisor may be hired in
26 lieu of one officer position. These correctional sergeants were
27 not currently qualified to perform transportation details, and
28 she even submits that they were not part of the detail, yet they

1 were hired and paid premium overtime.

2 In Exhibit Number One, she said correctional
3 officers at her last institution routinely processed incoming
4 mail. Apparently she did not expect that I would check with her
5 old institution. I did, and found that officers do not process
6 incoming mail while working security posts.

7 She later claimed that this event was a
8 miscommunication between us. I feel it was a dishonest response
9 from her in an attempt to justify her using correctional
10 officers at CCC to process incoming mail.

11 It is also my understanding that she has
12 authorized overtime for at least one employee to help her
13 prepare for her confirmation package.

14 In closing, I would like to point out to the
15 Committee that I have served as a union advocate for several
16 years. In that role, I have worked with several wardens. I can
17 assure the Committee that I have at times had very animated
18 disagreements with each warden.

19 I do not believe it is my job to agree with every
20 policy decision made by any warden. Likewise, it is not the
21 warden's job to agree with every position I take on any
22 particular issue.

23 The one thing I did receive from all our previous
24 wardens was honesty. I can say with complete candor that
25 Ms. Prosper has been dishonest with me repeatedly during her
26 short tenure as appointed Warden at the California Correctional
27 Center.

28 I can handle argument, disagreement, vigorous

1 negotiations, but dishonesty is completely unacceptable.

2 I thank you for this opportunity to address this
3 Committee.

4 CHAIRMAN BURTON: Thank you.

5 Other witness?

6 Do you want to respond.

7 MS. PROSPER: I am regretful that Officer Cathey
8 feels the way that he does. I do agree with him that honesty,
9 integrity, are values as important to me as they are to him.

10 I disagree with his point of view. I am
11 responsible for continuing my efforts in trying to overcome the
12 communication problems we're having, and I am hoping that at
13 some point we reach the middle ground where we are able to
14 effectively work together. It important for me to have an
15 effective working relationship with CCPOA and all the other
16 unions at CCC.

17 CHAIRMAN BURTON: Call the roll.

18 Yes, ma'am.

19 MS. BOYLL: I did have one statement, please.

20 I'm a retired correctional lieutenant. I was
21 with the Department of Corrections.

22 Teda, T-e-d-a Kathleen Boyll, B-o-y-l-l.

23 I live in Crescent City, and I'm a private
24 citizen.

25 I have known Ms. Prosper since 1984, and I've
26 always admired her honesty and her directness.

27 I can speak to you about dedication and concern
28 for others in the public and their safety. But most of all, I

1 want to speak to you about her courage. Even when people are in
2 disagreement, she takes the courage to take a stand and do what
3 she considers proper. In spite of trying to discredit her and
4 overwhelming opposition, she takes a stand that's courageous.

5 There were times when I was persecuted for
6 testifying against a criminal officer by unions and officers.
7 I sought Kathy's advice, and it was routinely, you must do your
8 duty. You must stand up and do your duty and be honest.

9 That has been consistent throughout the time I
10 have known her, and the advice she has given young and old
11 officers.

12 Thank you.

13 CHAIRMAN BURTON: Call the roll.

14 SECRETARY WEBB: Senator Brulte. Senator
15 Karnette.

16 SENATOR KARNETTE: Aye.

17 SECRETARY WEBB: Karnette Aye. Senator Romero.

18 SENATOR ROMERO: Aye.

19 SECRETARY WEBB: Romero Aye. Senator Johnson.

20 SENATOR JOHNSON: Aye.

21 SECRETARY WEBB: Johnson Aye. Senator Burton.

22 CHAIRMAN BURTON: Aye.

23 SECRETARY WEBB: Burton Aye. Four to zero.

24 CHAIRMAN BURTON: Congratulations.

25 We will have a five-minute break to avoid
26 workers comp. claim.

27 [Thereupon a brief recess
28 was taken.]

1 CHAIRMAN BURTON: Without objection, Senator
2 Brulte will be listed as Aye on all the roll calls.

3 [SENATOR BRULTE's Aye vote
4 was added, making the final
5 vote for confirmation 5-0
6 for MS. PROSPER.]

7 CHAIRMAN BURTON: Warden James Yates, Warden,
8 Pleasant Valley State Prison.

9 Don't be afraid, young man. We're sending you to
10 Pleasant Valley.

11 MR. YATES: Good afternoon. My name is James
12 Yates, Warden at Pleasant Valley State Prison.

13 I am honored, in other words, I feel privileged
14 to appear before such a distinguished panel.

15 I realize you've read my resume, but I've spent
16 approximately 20 years with the California Department of
17 Corrections, worked my way through the ranks. I began as a
18 correctional officer at Deuel Vocational Institution in Tracy in
19 1984.

20 Subsequently I promoted up through the ranks,
21 gaining experience as a correctional sergeant, lieutenant,
22 employee relations officer, facility captain, Investigative
23 Services Unit captain, associate warden. My most recent career
24 executive assignment was as Chief Deputy Warden at the
25 California Substance Abuse Treatment Facility, presently my
26 current assignment is Warden of Pleasant Valley.

27 I'm honored to be here, and I look forward to
28 entertaining any questions you may have.

1 CHAIRMAN BURTON: Senator Romero.

2 SENATOR ROMERO: Thank you.

3 I have your revised charts.

4 MR. YATES: Yes, and I apologize.

5 SENATOR ROMERO: I want to ask about lockdown.

6 There was an incident that occurred on Facility B
7 June 7th of last year. There were about a thousand inmates
8 involved. Apparently it was a riot between Northern Hispanics
9 and Southern Hispanics.

10 According to the chart that I saw yesterday, it
11 looked like the inmates, or a good portion of them, were still
12 on lockdown as we speak. You indicated to me that that was an
13 incorrect chart which had been given to the Committee. There
14 was actually a revised one.

15 Can you, using this chart, help me understand
16 what has occurred since June 7th of last year? And who
17 actually, if anybody, is on lockdown today?

18 MR. YATES: Yes, Senator.

19 SENATOR ROMERO: And then also, what programs
20 were available to inmates during this period of time?

21 MR. YATES: Yes, Senator.

22 First of all, I apologize for the format of that
23 previous one. It was very difficult to follow, and it kind of
24 crossed over. It had been refined a of couple different times.
25 I saw different versions of that chart.

26 This one probably best streamlines the incidents
27 of June 7th, 2003. Initially there was a riot between Northern
28 and Southern Hispanics. The entire facility, B Facility of the

1 institution, was placed on lockdown at that time.

2 In the days, weeks, and months that followed, as
3 through normal CDC procedures, as we gained information as to
4 who was and was not involved, and we felt it was safe to return
5 inmates to a normal program, an unlocked process began. So, 10
6 days later, on 6/17, you can see that all non-Hispanic inmates
7 were released. On 6/26, they released Hispanics that weren't
8 affiliated with the North and South factions, and they continued
9 that process.

10 As you see in the revised chart, there were a
11 number of other unrelated incidents that took place over the
12 periods that brought the institution either back to a total
13 lockdown or different stages of lockdown as different incidents
14 occurred.

15 At present time, the only inmates that are on
16 lockdown are the remaining Southern Hispanic inmates.

17 And if I may, I'm going to deviate just a little
18 bit to address a concern that was posed to me at one point, and
19 that was decision that I made four months after I got there to
20 release Northern Hispanic inmates, why did it take four months
21 for them to come up?

22 When I first got there, the first thing I did
23 was, I did do a review of the lockdowns at Pleasant Valley State
24 Prison and the reason for it. And I knew that just prior to me
25 getting there, they had an incident where lethal force was used
26 on B Facility, that temporarily -- again, that was another one
27 of those incidents that led to a total lockdown of the facility
28 again.

1 But any time that we have a lockdown, we go
2 through a process of information gathering. Of course, our
3 ultimate goal is the safety of the staff and the inmates within
4 the facility out there.

5 Some of the tools that we use are information
6 that we obtain either through confidential informants or through
7 notes that inmates pass to us that give us an indication of what
8 the cause and effect were, you know, of the incident that took
9 place.

10 While I was there, and while we were doing this
11 process over the period of four months, we kept getting repeated
12 sources of information telling us that the North and South were
13 still going to have problems. That's kind of an ongoing issue
14 statewide; it's not just a Pleasant Valley issue that was
15 there.

16 But we kept reviewing this information and trying
17 to strategize to find a way to bring the two elements together.
18 And oftentimes, we can get one side or the other to kind of give
19 us a little bit of insight into the initial incident that led to
20 what was there. If we can identify the instigators behind this
21 and remove them from the population, a lot of times we can then
22 return to normal program.

23 At this point in time, when we reached a
24 conclusion that it just wasn't going to happen at this point in
25 time, we made some extraordinary efforts to bring them out in
26 groups and talk with them, to try to get them as a group force
27 to be able to share some information with us.

28 Eventually, the Northern Hispanic inmates decided

1 they would cooperate, and they were willing to consult with some
2 individuals from the Southern Hispanic group. Southern
3 Hispanics were not willing to cooperate at that time.

4 Based on their willingness to cooperate, even
5 though there was still some information, I felt that it was an
6 acceptable risk at that point to go and release the Northern
7 Hispanics only, since our concern was between the North and
8 South, and the South was not cooperating.

9 So, that's the reason at that point in time I
10 elected to bring the Northerners out, because in good faith, they
11 were willing to at least talk about the situation. And so, I
12 felt comfortable at that point.

13 The Southern to this date, our plan is -- as
14 most of you are probably aware, we are going through a mission
15 change at Pleasant Valley State Prison. And so in the process,
16 we're converting one of our Level 3 facilities to a Level 4
17 SNY. And so, in that process we have to move out about a
18 thousand inmates from the prison. And when we have the Southern
19 Hispanics locked down, there's a number of inmates that are
20 paroled and left. We have new Southern Hispanic inmates that
21 have come in, and due to bed space availability, they just had
22 to be housed on Facility. So, we have a number of inmates who
23 are locked down that really had no involvement in the initial
24 incident, and we know that.

25 We also understand the prison politics that are
26 involved in this. And the prison politics are going to dictate,
27 "It doesn't matter if you weren't here. We're telling you, you
28 know, you need to assault the first Northern Hispanic you see,"

1 or some other direction. Something of that nature. So, we
2 know; we don't want to place people that weren't even involved
3 into a serious situation.

4 So, we're going to, through the process of
5 attrition as we go through this transition, there's less than a
6 hundred inmates that are left at this point in time. One by
7 one, they're being seen by Classification, and we're making an
8 assessment. If we think that they can fit into our programing
9 model that we want to have functioning in B Facility, they'll be
10 staying at Pleasant Valley. And if they can't, they'll be part
11 of the normal transition process; they transfer to an alternate
12 institution. And that's the plan that we have for recovery as
13 we go through there.

14 We're hoping to model B Facility back into what
15 is currently what I believe to be the only facility, which is
16 Facility A Right now, the one that's under conversion, the only
17 facility that I know of where we have North, South, and Bull Dog
18 inmates that all program on the same facility. But the problem
19 with that is the politics that come into play.

20 The inmates that are willing to work and not play
21 the prison politics, they are not in good standing with the rest
22 of the inmate population. Therefore, any Northern Hispanics
23 that have been successfully programing in that environment, if
24 we were to place them into a general population setting
25 elsewhere, they probably would get into some sort of
26 altercation. So, we're trying to avoid that possibility.

27 SENATOR ROMERO: But you've seen that success,
28 that you can find members from the various gangs affiliation

1 programing on the same yard?

2 MR. YATES: Yes, Senator. And I think really the
3 key to that is communication. I think it starts with our
4 Classification Committees. I think it starts with setting a
5 tone and setting the example to our administrators, who are
6 chairing these Classification Committees, to don't take face
7 value.

8 Because inmates will come into our committees,
9 and even though it's in their best interest to be forthcoming to
10 us, quite frankly, they're not. They'll come in, and they'll
11 say, "Yes, no, yeah, I can program with anybody. I can do
12 anything." And you know the first thing that's going to happen
13 is they're going to get into some sort of trouble.

14 So, if they take time to thoroughly review that
15 file, and to ask more probing questions, I find eventually that
16 the truth will come out. If they think that you really care,
17 and you're taking the time, they will be a little more
18 forthcoming. If they share enough information with us, we can
19 put them in the best program that is most suitable for their
20 success.

21 SENATOR ROMERO: Unfortunately, I recognize that
22 incidents are going to happen. There is going to be violence.
23 Riots may occur. There may be attacks. Lockdowns will happen.

24 But yet, and of course, as we discussed
25 yesterday, there have been times in the past when, following a
26 lockdown, in an effort to try get the groups talking again, some
27 of the leaders came forward they ended up with a one-way ticket
28 to Pelican Bay.

1 I personally don't think that's a very good
2 policy. And yet, I know it's not wardens who implement that
3 policy.

4 I'm just curious. Given that you have seen
5 successful programing on your yard, what can be done? What
6 might be done following a situation where, perhaps, you have the
7 leaders of various gangs saying, "Hey look. We'd like to talk."
8 Can there be some kind of an amnesty period, or something
9 whereby folks can come forward to say, "This is what needs to be
10 done," so that the prison, essentially, can get back to normal?

11 I'm just curious as to your thoughts.

12 MR. YATES: My personal thoughts are, we can't
13 negotiate. And I want to make a distinction as we're talking to
14 make sure that I'm clear.

15 Prison gangs are totally different from
16 disruptive groups. And we identify Northern and Southern
17 Hispanics in general as disruptive groups.

18 The information that I've shared with you, the
19 fact that three of the Southern Hispanics have been validated as
20 active prison gang participants, and that created some problems
21 out there, the gang validation was a totally separate, unrelated
22 process.

23 And it is departmental policy, and I support that
24 policy, as far as active, valid prison gangs and removing them
25 from the general population setting. They do tend to cause more
26 problems, more violence, and there are more incidents.

27 If we know that they're out there, we can track
28 and look at individuals that we know or suspect of being prison

1 gang members. And until we obtain the level of evidence to
2 validate that, we are very certain that the trail of violence
3 surrounding those individuals are much greater than anyone else.

4 CHAIRMAN BURTON: Who is better able to maybe
5 cool a deal between gang members but gang members?

6 I mean like negotiation, if they take you hostage
7 with a knife at your throat, maybe they'll negotiate. If you
8 have people that figure, and we see it in the streets, and I
9 guess you could see it in the prisons, where they figure there's
10 really enough crap that has gone on, and maybe we can figure out
11 a way to live together.

12 But if they come together and tell you something,
13 they end up getting -- that's not negotiating. That's common
14 sense.

15 MR. YATES: Absolutely. And that's what I'm
16 saying.

17 CHAIRMAN BURTON: Yeah, but you're saying you
18 don't do it. So, I mean if it's common sense, then the
19 Department's a little short on common sense, which, with all
20 respect to Mike Neal, we tend to believe anyway.

21 SENATOR ROMERO: And if I can add too, to some
22 extent as well I think, with all due respect, I could understand
23 no negotiation if, and I hate to say this, if CDC were in
24 complete control of the yards.

25 From what I've seen, unfortunately I don't
26 believe that. And to some extent, it's almost a peaceful
27 co-existence.

28 And if we can maintain the safety for the guards,

1 if we can maintain the safety for inmates, sometimes a little
2 discussion -- it doesn't have to be negotiate -- but a sort of a
3 little discussion that you've got the stakeholders here in the
4 yard.

5 I kind of think sometimes it doesn't hurt to say,
6 "Step forward and discuss it," rather than saying, "If you come
7 forward, you may be on your way to Pelican Bay."

8 It doesn't make sense to me.

9 MR. YATES: And I agree with the philosophy
10 behind that, the intent that's there.

11 And that's the position that I took when I got
12 there, when we were trying to bring these groups together. And
13 that's how we were able to go ahead and bring the Northern
14 Hispanics up through this process.

15 And if in fact we hadn't initiated the mission
16 change that we're under, we probably would be at this point,
17 too, with the Southern Hispanics. And I think that, again, it
18 comes back to communication.

19 And initially, you walk out and you say
20 something, people are not going to walk the walk that you're
21 talking.

22 I think my staff are doing that. I think they
23 have a clear understanding what our expectations are. I think
24 that's why we're getting a higher level of communication. I
25 think that that's why we're able to work through the problems
26 that are out there.

27 SENATOR ROMERO: Thank you.

28 CHAIRMAN BURTON: I think also those are

1 questions for next week.

2 SENATOR ROMERO: Absolutely.

3 CHAIRMAN BURTON: What is the beef between North
4 and South? They certainly aren't fighting for the same corner
5 to sell drugs, because one's up in Fresno and the other's down
6 in L.A. I guess.

7 So, what is it?

8 MR. YATES: Senator, I truly don't know.

9 CHAIRMAN BURTON: Does anybody ever even try to
10 figure out?

11 MR. YATES: Most certainly. It's just a
12 geographical territory situation that I don't think any of us
13 that are willing to comprehend and try to rationalize things
14 out, we don't understand.

15 CHAIRMAN BURTON: I mean, most of the beefs in
16 the district I represent that end up in kids getting killed are
17 basically over, you know, it starts with profits and money, and
18 they're both in the same neighborhoods.

19 MR. YATES: Territory.

20 CHAIRMAN BURTON: And they're both either
21 fighting for that, or maybe two of the people are pursuing the
22 same girlfriend, and then somebody, quote, gets "dissed."

23 But it would just be kind of an interesting thing
24 to figure out from somebody, unless they're fighting for
25 something in the yard, that it doesn't make hell of a lot of
26 sense for me, that two groups of people that haven't seen each
27 other, that don't have any business competition. As Don
28 Corleone said to Sollozzo, "If our business interests don't

1 compete with yours, I wish you the best of luck."

2 It would just seem to me at some point somebody
3 ought to try to figure. And I think that gets back -- and
4 discussions are not negotiations. Negotiations are, you know,
5 "We want a helicopter to get out or we'll kill the three
6 guards." That's negotiations.

7 Discussions are not negotiations. Discussions
8 are trying to find either common ground or why there ain't any.

9 And I would think, again, because I would guess
10 that wardens are not allowed to set -- I mean, you've got
11 probably a very tight parameter on how you can operate and
12 things like this.

13 But I think those are questions that we ought to
14 ask them, and maybe there's things that make sense, maybe
15 there's not.

16 But again, back to what Senator Romero said,
17 somebody comes forward and says, "Yeah, I'm whatever," and
18 willing to sit down, and trying to figure out how to work out
19 these disagreements. And so, "What are you?" "Well, actually
20 I'm El Jefe." "Okay, boom! You're up to Pelican Bay."

21 So, who the hell's going to come forward? Who's
22 going to say anything?

23 MR. YATES: I think that's an unfair choice of
24 the circumstances there. But to the underlying --

25 CHAIRMAN BURTON: Well, they're copping to the
26 fact that they're a leader of a prison gang, which then doesn't
27 necessarily get them an extra cake on their birthday.

28 MR. YATES: This is true.

1 CHAIRMAN BURTON: So therefore, and I would think
2 that unless the person is really cool, that if a guard, or a
3 counselor, or the warden hasn't figured out who the top person
4 is among the group of individuals, they're in the wrong place.

5 MR. YATES: And I agree with you.

6 CHAIRMAN BURTON: It's pretty easy to find out
7 who the person is that others look up to, unless you've really
8 got Cardinal Richelieu behind them, or something like that, in
9 my judgment.

10 MR. YATES: Absolutely. And it's my experience
11 that the people that do communication with you and talk with
12 you, they're not the shot callers. They're the messengers.

13 CHAIRMAN BURTON: So we send the messenger up
14 there. And that's the guy, we wanted to get rid of him anyway.
15 "You go tell him we'll talk."

16 Senator Brulte. Senator Karnette.

17 SENATOR KARNETTE: No questions.

18 CHAIRMAN BURTON: Witnesses in support, briefly.

19 Ms. ESTES: Hello.

20 CHAIRMAN BURTON: Tell Brother Mabry we miss him.

21 MS. ESTES: He's right over there.

22 Hello, my name is Darlene Estes, Legislative
23 Liaison for the Association of Black Correctional Workers.

24 And I'm just here to say that we are in support
25 of Mr. Yates' appointment as Warden to Pleasant Valley State
26 Prison.

27 Congratulations, and we're looking forward to
28 working closely with you.

1 CHAIRMAN BURTON: Next.

2 MS. GASTELO: Good afternoon. My name is Josie
3 Gastelo. I'm the Coalinga Chapter President of the Chicano
4 Correctional Workers Association.

5 And I'm just here to say we do fully support
6 Mr. Yates in this confirmation hearing, and we look very forward
7 to working with you.

8 I will keep it short, because he has trained his
9 staff very well, and I don't want to get Mr. Burton mad, so
10 thank you very much.

11 [Laughter.]

12 CHAIRMAN BURTON: Too late for that.

13 [Laughter.]

14 MR. VILLARREAL: Good afternoon. My name is
15 Ramiro Villarreal. I'm a correctional lieutenant at Pleasant
16 Valley State Prison. I'm also the Chapter President for
17 California Correctional Supervisors, Chapter 17, at Pleasant
18 Valley State Prison.

19 The Correctional Supervisors at Pleasant Valley
20 support Mr. Yates' confirmation as Warden at Pleasant Valley
21 State Prison.

22 Thank you for your time.

23 CHAIRMAN BURTON: Has it always been called
24 Pleasant Valley?

25 MR. YATES: Unfortunately it has. I did some
26 research myself, and it just happens to be the location.

27 CHAIRMAN BURTON: I thought maybe, because things
28 were going bad, you changed the name so everybody'd get a warmer

1 feeling.

2 Any witnesses in opposition? Hearing none, call
3 the roll.

4 SECRETARY WEBB: Senator Brulte.

5 SENATOR BRULTE: Aye.

6 SECRETARY WEBB: Brulte Aye. Senator Karnette.

7 SENATOR KARNETTE: Aye.

8 SECRETARY WEBB: Karnette Aye. Senator Romero.

9 SENATOR ROMERO: Aye.

10 SECRETARY WEBB: Romero Aye. Senator Burton.

11 CHAIRMAN BURTON: Aye.

12 SECRETARY WEBB: Burton Aye. Four to zero.

13 CHAIRMAN BURTON: Without objection, Senator
14 Johnson will be reported as aye.

15 [Thereupon SENATOR JOHNSON'S

16 Aye vote was added, and the

17 final vote for confirmation

18 was 5-0.]

19 CHAIRMAN BURTON: Thank you, sir.
20 Congratulations.

21 MR. YATES: Thank you very much.

22 CHAIRMAN BURTON: Is your family here?

23 MR. YATES: Yes, sir. My wife Mary. This week
24 we celebrated our 27th wedding anniversary.

25 Thank you all very much.

26 [Thereupon this portion of the

27 Senate Rules Committee hearing

28 was terminated at approximately

3:23 P.M.]

--ooOoo--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 2004.

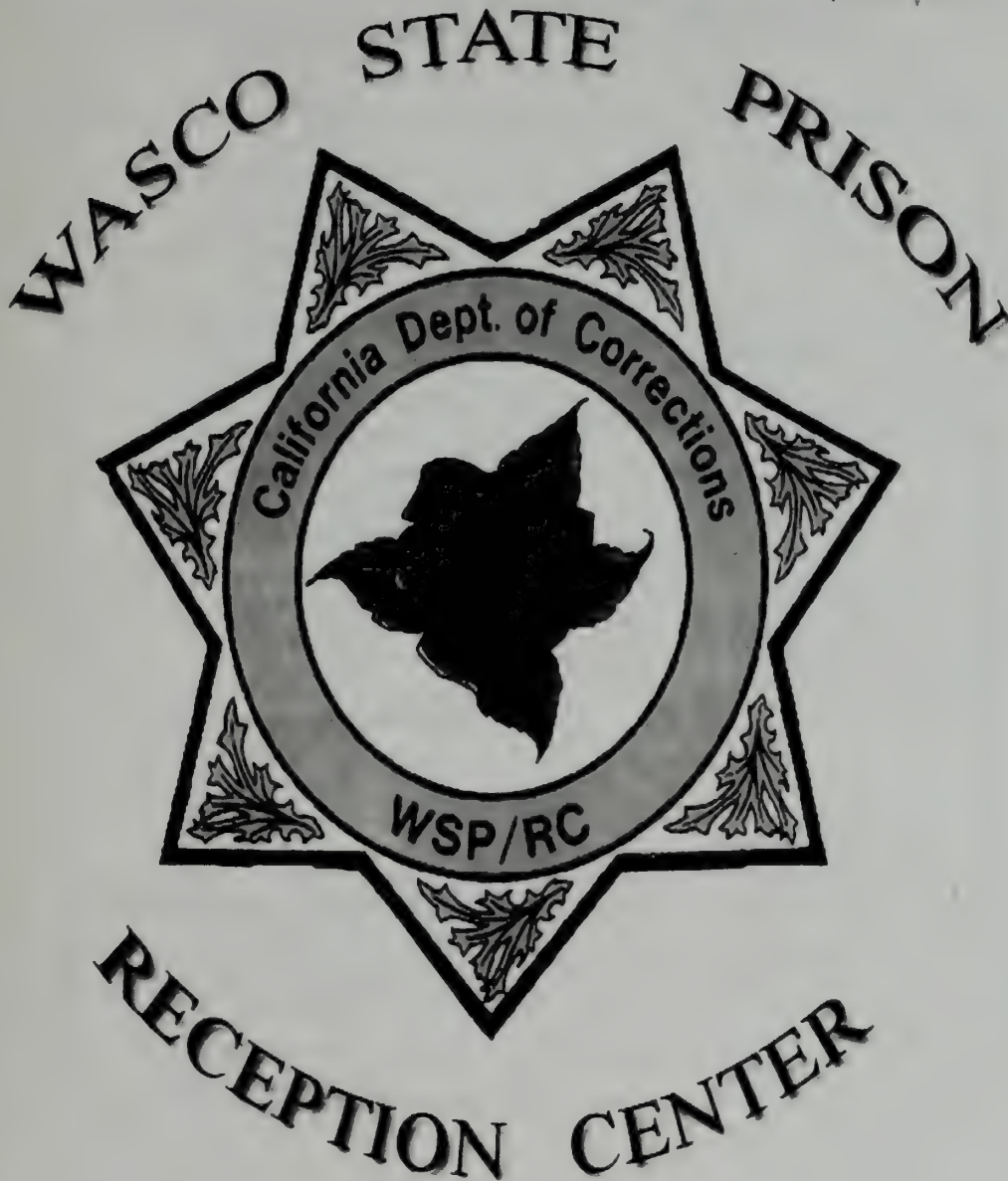
Evelyn J. Mizak
EVELYN J. MIZAK
Shorthand Reporter

APPENDIX



SENATE RULES COMMITTEE

*Pot. Vazquez
Responses*



P.L. Vazquez, Warden

PAT L. VAZQUEZ
WARDEN, WASCO STATE PRISON - RECEPTION CENTER

TABLE OF CONTENTS

Subject and/or Topic	Page Number
State of Goals	1
Budget	1-2
Staffing	2-3
✓ List of Vacancies (Attachment (A))	1-A – 3-A
Personnel Issues & Employee Discipline	3-6
✓ Investigations and Disciplinary Tracking Log (Attachment (B))	1-B – 3-B
Inmate Relations	6-12
✓ General Inmate Appeals	
✓ Medical Inmate Appeals	
✓ Modified Program Status	
✓ Men's Advisory Council	
Overcrowding	13
Visiting	14-15
Recidivism	15-17
✓ Substance Abuse Programs	
✓ Religious Programs	
✓ Friends Outside	
✓ Social Services and Workshops	
Drugs	17-18
Education and Work Programs	18-20
Health Care	21-25
Law Library	25
Litigation	26
✓ Litigation Report (Attachment (C))	1-C – 5-C

SENATE RULES COMMITTEE

Warden Pat L. Vazquez Statement of Goals

As the Warden of Wasco State Prison – Reception Center, my goals are as follows:

- ❖ To effectively and efficiently lead Wasco State Prison – Reception Center in a safe and secure manner for the public, staff and inmates.
- ❖ To operate Wasco State Prison – Reception Center within my authorized budget, which includes the reduction of overtime costs.
- ❖ To network with outside agencies, Prison Fellowship Ministries, Inmate Family Council, and Citizen's Advisory Council, to enhance inmate programs through the use of volunteers.
- ❖ To be an effective leader and encourage staff to be creative and innovative in developing a more secure and enthusiastic work environment.
- ❖ To create open lines of communication with staff and inmates in resolving issues at the lowest possible level.
- ❖ To generate a spirit of cooperation among the staff and inmates to meet a common challenge, i.e., budget deficit reduced programs, meeting basic needs with reduced resources.
- ❖ That I could one day proudly look at the Wasco State Prison - Reception Center experience as one of mutual growth, stimulation, and general betterment.

Budget

- *What steps will you be taking to address projected budget reductions? How will these reductions effect inmate programming, staffing and health and mental health care of inmates? Are you currently operating within your authorized budget?*

The Wasco State Prison - Reception Center Sound Management Alternative Resource Team (SMART) audits all areas of the institution to ensure the efficient use of resources and to make recommendations for viable alternatives, thereby creating savings for the institution. These cost reduction measures utilize our current resources more efficiently and effectively, without negatively reducing/impacting the programs of inmates. Furthermore, SMART will strive to promote fiscal responsibility among all staff at Wasco State Prison - Reception Center while maintaining a sound foundation for fiscal management in the future.

Over the past two years this institution has implemented several changes that have realized approximately \$2,126,192 in annual savings.

The Youth and Adult Correctional Agency Secretary and California Department of Corrections Director's messages pertaining to Saving a Dollar a Day have been discussed with staff and posted throughout the institution. An emphasis has been placed on all the staff and the inmate population to forward creative ideas for addressing budget reductions. By allowing staff and inmates to be involved in this process, they are not "victims" of the budget cuts, but rather help in the resolution.

As the Warden, I must continue having open communication and follow-up with these groups. I must take the opportunity to be more efficient in the daily operation of Wasco State Prison - Reception Center.

In order to have the least effect on the programming, staffing and health and mental health care of inmates, it is important to re-evaluate and re-distribute our resources. An example could be the expanded use of the Correctional Learning Network to increase the participation in the Bridging Program, aid inmates wanting to prepare for the General Education Development, to enhance the re-entry program, etc.

California Department of Corrections could look into the feasibility of shifting certain costs. Some states give inmates envelopes and stamps on a monthly basis. Their Inmate Welfare Fund incurs this expenditure versus the taxpayers. As a result, there is less abuse of the indigent mail procedures, and could reduce Wasco State Prison - Reception Center's yearly postage cost by approximately \$91,000. Inmates become active participants in the resolution of the budget cuts rather than being subsidized by the taxpayers.

Wasco State Prison - Reception Center's 2003-2004 current allotment is \$111,235,164 and the projection is \$115,137,249 creating a projected deficit of \$3,920,347. However, Wasco State Prison - Reception Center is operating with two significant, unfunded issues creating a deficient of \$12,180,116. If these two items, Mercy Hospital consolidated coverage and excessive salary savings, were funded and/or adjusted, Wasco State Prison - Reception Center would have a surplus of \$8,259,769. Therefore, Wasco State Prison - Reception Center is recognized as operating well within our authorized budget.

Staffing

- *Please provide a list of existing vacancies and identify the efforts you are making to address long-term vacancies or any other staffing problems such as in the nursing positions. Please provide information for custody, non-custody and health care positions that identifies positions that have been vacant longer than six months.*

Please refer to Attachment (A) (next page) concerning vacant position and their status.

Wasco State Prison - Reception Center
List of Vacancies

Position #	Classification	PY Value	Date Vacant	Status	Comments
180-122-1139-001	Office Technician	1.00	10/31/03	FT	Interviews 5/11/04
180-122-1379-001	Office Assistant	1.00	10/31/03	FT	Interviews 5/12/04
180-122-9904-005	Correctional Counselor II	1.00	10/31/03	FT	Pending Hire
180-122-9904-039	Correctional Counselor I	1.00	2/29/04	FT	Interviews on 4/22 & 23/04
180-122-9904-049	Correctional Counselor I	1.00	7/2/03	FT	Interviews on 4/22 & 23/04
180-122-9904-050	Correctional Counselor I	0.50	7/2/03	FT	Interviews on 4/22 & 23/04
180-201-1148-001	Office Services Sup. I	1.00	4/19/04	FT	Canvassing
180-201-9656-011	Correctional Lieutenant	1.00	3/22/04	FT	Interviews on 4/28 & 29/04
180-201-9656-025	Correctional Lieutenant	1.00	7/1/03	FT	Interviews on 4/28 & 29/04
180-201-9656-107	Correctional Lieutenant	1.00	5/1/03	FT	Interviews on 4/28 & 29/04
180-201-9656-108	Correctional Lieutenant	0.70	5/1/03	FRAC	Interviews on 4/28 & 29/04
180-201-9659-011	Correctional Sergeant	1.00	4/5/04	LT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-021	Correctional Sergeant	1.00	11/1/03	FT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-026	Correctional Sergeant	1.00	4/21/03	FT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-042	Correctional Sergeant	1.00	10/23/03	FT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-053	Correctional Sergeant	1.00	4/21/03	FT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-058	Correctional Sergeant	1.00	4/21/03	LT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-060	Correctional Sergeant	1.00	5/13/03	FT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-083	Correctional Sergeant	1.00	5/1/03	FT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-084	Correctional Sergeant	0.68	5/1/03	FRAC	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-101	Correctional Sergeant	1.00	7/1/03	FT	FFD: 4/15/04, 5 apps., Reorder List
180-201-9659-102	Correctional Sergeant	1.00	7/1/03	FT	FFD: 4/15/04, 5 apps., Reorder List
180-207-9662-046	Correctional Officer	0.04	11/1/03	FRAC	
180-207-9662-052	Correctional Officer	0.83	11/1/03	FRAC	
180-211-2183-002	Correctional Sup Cook	1.00	12/2/03	FT	FFD: 4/15/04, Interviews in May
180-211-2183-013	Correctional Sup Cook	1.00	7/1/03	FT	FFD: 4/15/04, Interviews in May
180-211-2183-015	Correctional Sup Cook	1.00	11/24/03	FT	FFD: 4/15/04, Interviews in May
180-211-2183-017	Correctional Sup Cook	1.00	5/3/04	FT	FFD: 4/15/04, Interviews in May
180-211-2183-039	Correctional Sup Cook	1.00	5/1/03	LT	FFD: 4/15/04, Interviews in May
180-211-2183-054	Correctional Sup Cook	1.00	8/14/03	FT	FFD: 4/15/04, Interviews in May
180-211-5480-001	Supervising Corr. Cook	1.00	9/24/03	FT	Pending Blanket Freeze Exemption
180-213-1139-800	Office Technician	1.00	7/1/03	FT	Interviews 5/7/04
180-213-1869-002	Health Records Tech	1.00	12/9/03	FT	Pending Hire
180-213-7981-001	Pharmacist II	1.00	1/31/03	FT	Pending Hire
180-213-7982-003	Pharmacist I	1.00	3/25/04	FT	No Interested Applicants, Cont. Filing
180-213-7982-005	Pharmacist I	1.00	5/1/03	FT	No Interested Applicants, Cont. Filing
180-213-8217-002	Medical Tech. Asst.	1.00	8/1/03	LT	Selections & Standards hires
180-213-8217-009	Medical Tech. Asst.	1.00	7/31/02	FT	Pending Hire
180-213-8217-015	Medical Tech. Asst.	1.00	8/11/03	LT	Selections & Standards Branch
180-213-8217-102	Medical Tech. Asst.	1.00		FT	Selections & Standards Branch
180-213-8217-105	Medical Tech. Asst.	0.64	5/1/03	FRAC	
180-213-8217-106	Medical Tech. Asst.	1.00	5/1/03	FT	Selections & Standards Branch
180-213-9265-001	Lab Asst.	1.00	3/2/04	FT	Interviews on 4/21/04
180-213-9275-001	Registered Nurse	1.00	7/31/03	FT	Interviews on 2/9, 3/11, & 3/30/04
180-213-9275-003	Registered Nurse	1.00	10/8/03	FT	2/9/04, 2 Hired, 1 Decline
180-213-9275-008	Registered Nurse	1.00	1/1/04	FT	3/11/04, 1 Hired, 1 Pend. Hire
180-213-9275-022	Registered Nurse	1.00	6/1/03	FT	3/30/04, 1 Pend. Hire, 1 Decline
180-213-9275-025	Registered Nurse	1.00	11/27/01	FT	Continuous Filing
180-213-9275-026	Registered Nurse	1.00	6/1/03	FT	Continuous Filing
180-213-9275-027	Registered Nurse	1.00	1/30/02	FT	Continuous Filing
180-213-9275-031	Registered Nurse	1.00	2/1/03	FT	Continuous Filing

Wasco State Prison - Reception Center
List of Vacancies

Position #	Classification	PY Value	Date Vacant	Status	Comments
180-213-9275-032	Registered Nurse	1.00	1/1/03	FT	Continuous Filing
180-213-9275-034	Registered Nurse	0.74	1/1/03	FRAC	
180-213-9275-035	Registered Nurse	1.00	5/1/03	FT	Continuous Filing
180-213-9279-001	Clinical Diet	0.50	10/1/02	FRAC	No Interested Applicants, Cont. Filing
180-214-9268-007	Dentist	1.00	10/13/03	FT	Interview on 5/3/04
180-214-9268-009	Dentist	1.00	3/1/04	FT	Interview on 5/3/04
180-216-6643-001	Locksmith	1.00	4/15/03	FT	FFD: 4/15/04, Interviews in May
180-216-6713-018	Stationary Engineer	1.00	5/1/03	FT	Candidate Declined, Re-Post & Bid
180-216-9001-003	Fire Captain	1.00		FT	Relief position
180-216-9001-005	Fire Captain	0.30		FRAC	Relief position
180-220-9272-002	Staff Psychiatrist	0.50	9/16/03	FT	Continuous Filing
180-220-9272-003	Staff Psychiatrist	0.50	4/30/02	FT	Continuous Filing
180-220-9272-004	Staff Psychiatrist	1.00	10/31/03	FT	Continuous Filing
180-220-9283-004	Psychologist	1.00	10/13/03	FT	Continuous Filing
180-222-9903-008	Correctional Counselor II	1.00	5/1/03	FT	Pending Hire
180-223-1148-003	Office Services Sup. I	1.00	12/29/03	LT	FFD: 4/9/04, No Candidates, Re-fly
180-223-1148-803	Office Services Sup. I	1.00	4/1/04	LT	FFD: 4/9/04, No Candidates, Re-fly
180-223-1152-021	CCRA	1.00	6/2/03	FT	607 Pending
180-223-1152-022	CCRA	1.00	3/3/03	FT	607 Pending
180-223-1152-023	CCRA	1.00	8/22/03	FT	607 Pending
180-223-1152-024	CCRA	1.00	4/1/03	FT	607 Pending
180-223-1181-006	Word Processing Tech	1.00	3/22/04	LT	FFD 4/23/04
180-223-1379-001	Office Assistant	1.00	2/17/04	LT	Pending 3 Hires-Interview on 4/13/04
180-223-1379-004	Office Assistant	1.00	3/7/05	LT	Pending 3 Hires-Interview on 4/13/04
180-223-1379-007	Office Assistant	1.00	12/18/03	FT	Pending 3 Hires-Interview on 4/13/04
180-223-1379-009	Office Assistant	1.00	3/15/04	LT	Pending 3 Hires-Interview on 4/13/04
180-223-1379-048	Office Assistant	1.00	1/2/04	FT	Pending 3 Hires-Interview on 4/13/04
180-223-1379-058	Office Assistant	1.00	7/2/03	FT	Pending 3 Hires-Interview on 4/13/04
180-223-1379-059	Office Assistant	0.50	7/2/03	FT	Pending 3 Hires-Interview on 4/13/04
180-223-1379-060	Office Assistant	1.00	10/1/03	FT	Pending 3 Hires-Interview on 4/13/04
180-223-9927-001	Program Tech	1.00	2/9/04	LT	FFD 4/9/04, Interviews in May
180-223-9928-003	Program Tech II	1.00	10/10/03	LT	FFD 4/9/04, Interviews in May
180-229-9919-002	Jewish Chaplain	0.50		FRAC	Pending Blanket Freeze Exemption
180-234-2290-100	Teacher High School	1.00	11/1/03	FT	Pending hires
180-234-2290-101	Teacher High School	1.00	11/1/03	FT	Pending hires
180-234-2290-102	Teacher High School	1.00	11/1/03	FT	Pending hires
180-235-1139-102	Office Tech.	1.00	1/1/04	FT	Interviews on 5-17 & 18-04
180-235-2305-101	Sup. Academic Inst.	1.00	1/1/04	FT	Pending Interviews
180-235-2305-102	Sup. Academic Inst.	1.00	1/1/04	FT	Pending Interviews
180-235-2305-103	Sup. Academic Inst.	1.00	1/1/04	FT	Pending Interviews
180-235-2305-104	Sup. Academic Inst.	1.00	1/1/04	FT	Pending Interviews
180-235-6400-100	Teaching Asst.	1.00	1/1/04	FT	Pending Hires
180-235-6400-101	Teaching Asst.	1.00	1/1/04	FT	Pending Hires
180-235-6400-102	Teaching Asst.	1.00	1/1/04	FT	Pending Hires
180-235-6400-103	Teaching Asst.	1.00	1/1/04	FT	Pending Hires
180-261-1139-818	Office Tech.	1.00	3/15/04	FT	Interviews on 5/4/04
180-261-1508-007	Materials & Stores Sup I	1.00	1/3/03	LT	Interviews on 5/5 & 6/04
180-261-1508-008	Materials & Stores Sup I	1.00	3/1/04	FT	Interviews on 5/5 & 6/04
180-261-1508-012	Materials & Stores Sup I	1.00	1/2/04	LT	Interviews on 5/5 & 6/04
180-261-1508-021	Materials & Stores Sup I	1.00	9/25/02	LT	Interviews on 5/5 & 6/04
180-261-1508-025	Materials & Stores Sup I	1.00	5/1/03	FT	Interviews on 5/5 & 6/04

Wasco State Prison - Reception Center
List of Vacancies

Position #	Classification	PY Value	Date Vacant	Status	Comments
180-261-5157-004	Staff Services Analyst	1.00	10/31/03	FT	Interviews pending
180-261-6893-002	Auto Pool Manager	1.00	7/19/03	FT	No Interested Applicants
180-298-1139-100	Office Tech.	1.00	1/1/04	FT	Interviews on 5/7/04

- *Please provide data on the sick leave usage of all staff for each of the last 12 months including any data on the use of long-term medical leave.*

Sick Leave/Long-Term Medical Leave Hours Usage

	Mar 2003	Apr 2003	May 2003	Jun 2003	Jul 2003	Aug 2003	Sep 2003	Oct 2003	Nov 2003	Dec 2003	Jan 2004	Feb 2004
CUSTODY												
Officers	6123	7045	7218	6360	7150	6936	7234	6511	7568	7830	5992	6837
Sergeants	345	447	226	399	406	421	395	212	430	255	188	225
Lieutenants	111	101	71	76	125	96	127	202	86	91	118	143
Other Custody	313	300	171	217	199	252	259	205	226	159	162	171
NON-CUSTODY												
Food Services	270	292	333	238	279	269	255	218	223	291	313	303
Plant Ops	270	245	190	282	90	171	144	166	140	221	112	117
Records	892	752	630	663	798	929	772	758	712	862	646	585
Education	144	85	98	80	8	16	40	16	16	32	53	0
Counselors	433	460	497	394	355	628	615	424	406	485	434	477
Administration	339	394	342	349	393	356	683	399	421	412	358	378
Trust	45	39	81	49	80	84	68	52	35	42	25	35
HEALTH CARE SERVICES DIVISON												
Medical	582	530	435	391	587	589	564	639	468	703	604	651
Dental	54	80	211	70	78	75	64	48	73	92	61	53
Mental Health	213	268	231	341	167	193	217	178	151	181	164	185
TOTALS												
Totals	10,134	11,038	10,734	9,939	10,715	11,015	11,437	10,028	10,955	11,656	9,230	10,160

Personnel Issues and Employee Discipline

- *As Warden, what steps have you taken to combat sexual harassment and/or discrimination? Please provide any data regarding pending complaints.*

As Warden, I am always a positive role model and actively participate in new employee orientation, monthly meetings with labor organizations, and monthly supervisor meetings. At these meetings, I relay the California Department of Corrections' and my expectations pertaining to zero-tolerance on sexual harassment issues and the Departmental Equal Employment Opportunity policies. All Wasco State Prison - Reception Center employees receive annual training on the Departmental C-POST approved lesson plan for sexual harassment and equal employment opportunity. It is imperative that I maintain an open door policy and be an effective listener.

There were a total of 49 complaints filed at Wasco State Prison - Reception Center during the calendar year of 2003. Fourteen of these were formal and were referred to the Office of Civil Rights for Administrative Inquiry. The charge on one complaint was sustained. Twenty-nine of the 49 complaints did not meet Equal Employment Opportunity criteria and were resolved as supervisory issues. Additionally, six complaints were filed with Department of Fair Employment and Housing. No charges were sustained. When issues arise, I must pursue

resolutions aggressively and be proactive in ensuring a harassment free work environment.



- ***Please provide data on each employee disciplinary action taken in the last 12 months indicating the staff level of the employee, the alleged misconduct, the results of any investigation, the level of investigation, the results of the investigation (substantiated or not substantiated) and the action taken, if any.***

Please refer to Attachment (B) (*next page*) concerning employee disciplinary action taken in the last 12 months.

Wasco State Prison - Reception Center
Investigations and Disciplinary Tracking
March 1, 2003 – April 13, 2004

Investigation Completed	Classification	Alleged Misconduct	Level of Investigation	Investigation Results	Personnel Action
10/29/03	Correctional Officer	Illegal Drug Activity	Category I	Closed Due to Lack of Credible/ Consistent Information	
04/10/03	Correctional Officer	DUI	Category I	Sustained	Letter of Reprimand
09/20/03	Correctional Officer	Misuse of Telephone	Category I	Partially Sustained	No Action/Investigation failed to meet time constraints
05/20/03	Correctional Officer	Insubordination/Left Post Without Relief	Category I	Sustained	Letter of Reprimand
02/23/04	Fire Captain	Overfamiliarity/Theft of State Property	Category I	Sustained	Dismissal (Skelly Pending)
02/11/04	Correctional Officer	Failure to Report Use of Force	Category I	Partially Sustained (Failure to Activate Personal Alarm)	Employee Counseling Record (CDC Form 1123)
02/11/04	Correctional Officer	Failure to Report Use of Force	Category I	Partially Sustained (Failure to Activate Personal Alarm)	Employee Counseling Record (CDC Form 1123)
10/27/03	Correctional Officer	Falsifying Reports/Failure to Report Use of Force	Category I	Sustained	Submitted to Headquarters 03/09/04
10/16/03	Correctional Officer	Falsifying Reports/Failure to Report Use of Force	Category I	Sustained	Submitted to Headquarters 03/09/04
12/22/03	Registered Nurse	Falsifying Reports	Category I	Sustained	Submitted to Headquarters 03/09/04
10/31/03	Correctional Officer	Failure to Report Use of Force	Category I	Sustained	Draft Completed, Pending ERO Review
10/21/03	Medical Technical Assistant	Abandoned Post	Category I	Partially Sustained	Draft Completed, Pending ERO Review
12/23/03	Correctional Officer	Falsifying Report	Category I	Unfounded	Closed-No Action
08/14/03	Correctional Officer	Abandoned Post	Category I	Sustained	Action Pending
10/21/03	Laboratory Supervisor	Pushing an Employee	Category I	Sustained	Draft Completed, Pending ERO Review
12/22/03	Unknown	Missing Money	Category I	Sustained	Closed-No individual identified
11/26/03	Vocational Instructor	Overfamiliarity	Category I	Partially Sustained	Draft Completed, Pending ERO Review
10/31/03	Correctional Officer	Falsifying Reports (998) (Pay)	Category I	Partially Sustained	Action Pending
02/06/04	Correctional Officer	DUI	Category I	Sustained	Draft Completed, Pending ERO Review
11/07/03	Correctional Officer	Assault on Minor	Category I	Sustained	5% Salary Reduction for 3 Months (SPB Pending)
10/16/03	Correctional Officer	Harassment	Category I	Partially Sustained	CDC 1123
02/27/04	Correctional Officer	Falsifying CDC 115	Category I	Not Sustained	Closed-No Action

Wasco State Prison - Reception Center
Investigations and Disciplinary Tracking
March 1, 2003 – April 13, 2004

Investigation Completed	Classification	Alleged Misconduct	Level of Investigation	Investigation Results	Personnel Action
02/27/04	Correctional Officer	Falsifying CDC 115	Category I	Not Sustained	Closed-No Action
06/17/03	Supervising Cook	Falsifying 998 and Bereavement Documentation	Category I	Partially Sustained	Dismissal-Stipulation Pending for Resignation
06/24/03	Correctional Officer	Threatening an Employee	Category I	Unfounded	Closed-No Action
10/16/03	Correctional Officer	Unnecessary Use of Force	Category I	Partially Sustained	6 month Suspension
06/12/03	Correctional Officer	Security Gate Tied Open	Category I	Sustained	Letter of Instruction
12/15/03	Correctional Counselor II	Insubordination/Discarding Official Documents	Category I	Sustained	5% Salary Reduction for 6 Months (Skelly Pending)
09/23/03	Correctional Officer	Overfamiliarity	Category I	Sustained	Employee Resigned
05/15/03	Correctional Officer	Spousal Abuse	Category II	Sustained	RX Dismissal-OPM Approved 90 Day Suspension-Skelly Officer Modified to 45 Day
11/24/03	Correctional Officer	Spousal Abuse	Category II	Sustained	Time Constraints Lost (OIA)
04/04/03	Correctional Sergeant	Child Pornography	Category II	Sustained	Dismissal-Resigned Prior to Effective Date
11/03/03	Correctional Sergeant	Unnecessary Use of Force	Category II	Not Sustained	Closed-No Action
10/27/03	Correctional Officer	Unnecessary Use of Force	Category II	Not Sustained	Closed-No Action
10/09/03	Correctional Officer	Staff Abuse PC 149	Category II	Insufficient Evidence	Closed-No Action
10/09/03	Correctional Officer	Staff Abuse PC 149	Category II	Insufficient Evidence	Closed-No Action
05/05/03	Correctional Officer	Staff Misconduct	Category II	Partially Sustained	Closed-No Action Bazemore
05/28/03	Correctional Officer	DUI	Category II	Sustained	Letter of Reprimand
05/29/03	Office Assistant	Overfamiliarity	Category II	Sustained	Employee Resigned
05/07/03	Painter II	Unprofessional Conduct	Category II	Sustained	Due to Nature of Action, Employee Counseled Regarding Staff/Inmate Relations
12/08/03	Correctional Officer	Spousal Abuse	Category II	Partially Sustained	Draft Completed, Pending ERO Review
07/08/03	Correctional Case Records Analyst	Workplace Violence	Category II	Not Sustained	Closed-No Action
09/18/03	Correctional Officer	Worker's Compensation Suspicious Activity	Category II	Unfounded	Closed-No Action
09/24/03	Correctional Officer	Spousal Abuse/Drug Paraphernalia	Category II	Sustained	Draft Completed, Pending ERO Review
10/10/03	Correctional Officer	Falsifying Reports	Category II	Not Sustained	Closed-No Action
01/13/04	Correctional Officer	Unnecessary Use of Force	Category II	Partially Sustained	Draft Completed, Pending ERO Review
03/12/04	Correctional Sergeant	Staff Abuse PC 149	Category II	Not Sustained	Closed-No Action

Wasco State Prison - Reception Center
Investigations and Disciplinary Tracking
March 1, 2003 – April 13, 2004

Investigation Completed	Classification	Alleged Misconduct	Level of Investigation	Investigation Results	Personnel Action
03/12/04	Correctional Officer	Staff Abuse PC 149	Category II	Not Sustained	Closed-No Action
03/12/04	Correctional Officer	Staff Abuse PC 149	Category II	Not Sustained	Closed-No Action
03/12/04	Correctional Officer	Staff Abuse PC 149	Category II	Not Sustained	Closed-No Action
03/12/04	Correctional Officer	Staff Abuse PC 149	Category II	Not Sustained	Closed-No Action
*09/05/03 (Issued to employee)	Correctional Officer	Discourteous Treatment	N/A		5% Salary Reduction for 6 Mos. Stipulation Agreement for Letter of Reprimand
*10/29/03 (Issued to employee)	Correctional Officer	Neglect of Duty	N/A		5% Salary Reduction for 6 Mos.
*03/05/04	Correctional Officer	Failure to Comply with TB Testing	N/A		Non-Punitive Separation
*N/A	Correctional Officer	Insubordination	N/A		Draft Pending Review
*N/A	Correctional Officer	Neglect of Duty	N/A		Draft Completed, Pending ERO Review
*N/A	Correctional Officer	Neglect of Duty	N/A		Draft Completed, Pending ERO Review
*N/A	Correctional Officer	Neglect of Duty	N/A		Draft Completed, Pending ERO Review
*N/A	Correctional Officer	Neglect of Duty	N/A		Draft Completed, Pending ERO Review
*N/A	Correctional Officer	Neglect of Duty	N/A		Draft Completed, Pending ERO Review
*N/A	Correctional Officer	Insubordination	N/A		Draft Completed, Pending ERO Review
*N/A	Correctional Officer	Neglect of Duty/Asleep	N/A		Draft Completed, Pending ERO Review
*N/A	Correctional Sergeant	Insubordination	N/A		Draft Completed, Pending ERO Review
*N/A	Correctional Supervising Cook	AWOL/Tardiness	N/A		Draft Completed, Pending ERO Review

* Requests for Adverse Personnel Action received directly by ERO, not requiring investigation.

- ***What criteria do you use to determine whether alleged misconduct warrants a Category I or Category II investigation?***

The criteria utilized to determine whether alleged misconduct warrants a Category I or Category II investigation is outlined in Departmental Operations Manual Section § 31140.1 Article 14.

Category I investigations are generally performance issues which can be handled by regular field staff: i.e., neglect of duty, lack of alertness, misuse of state property, driving under the influence, etc.

Category II investigations are referred to Office of Investigative Services based on the seriousness of the misconduct and may involve non-departmental personnel; i.e., felonious conduct, misdemeanors, wide media contact, over familiarity, high ranking employees, use of force/excessive force, misuse of peace officer authority, etc.

- ***What criteria do you use to determine the level/severity of discipline imposed?***

Contact is always made with California Department of Corrections' Legal Unit to obtain information relating to case comparables (comps) of similar cases.

- ***How many staff are currently using administrative time off because of pending investigations?***

Wasco State Prison - Reception Center currently does not have anyone on administrative time off.

- ***What have you done to ensure that employees follow both CDC regulations and the law?***

- ✓ Open door policy to all employees.
- ✓ Daily and weekly meetings with administrative staff for roundtable discussions and to disseminate information and updated policies.
- ✓ Monthly meetings, or as needed, with Investigative Services Unit, Employee Relations Officer, Equal Employment Opportunity, and Return to Work staff.
- ✓ Quarterly meetings with State Compensation Insurance Fund staff.

- ✓ Ongoing In-Service Training (IST) and On-the-Job Training (OJT) to ensure staff are informed and updated with changes impacting Wasco State Prison - Reception Center and California Department of Corrections.
- ✓ Regular contact with Central Regional Administration and California Department of Corrections headquarters to discuss new information.
- ✓ Monthly Labor/Management meetings with various bargaining units: California Correctional Peace Officer Association, California Correctional Supervisor Association, California State Employee Association, and International Union of Operating Engineers.

➤ ***Have you taken any steps to address what is referred to as the Code of Silence?***

- ✓ Meetings with administrative staff to outline the expectations of supervisors and managers pertaining to the "Code of Silence."
- ✓ California Department of Corrections memoranda that condemn the "Code of Silence" was attached to pay warrants in March and April 2004.
- ✓ The March 2004 In-Service Training Bulletin contained the Youth Adult Correctional Agency Secretary's memorandum and the Warden's message that condemn the "Code of Silence." These memoranda were also posted throughout the institution.
- ✓ Topic of discussion at all bargaining unit and supervisory meetings during March 2004.

Inmate Relations

➤ ***What problems are you experiencing regarding inmate violence at your institution? How are you responding to those problems, especially in terms of violence reduction strategies?***

The presence of inmate violence at Wasco State Prison - Reception Center generally falls into two groups. They are as follows:

1. Staff batteries
2. Riots between opposing races and street gangs

Staff batteries are generally unpredictable and can spontaneously erupt at any time when dealing with inmates. Training is ongoing with staff in regards to Inmate/Staff Relations. Staff are trained to request assistance from other staff and supervisors when inmates become confrontational and refuse to comply with direction. The presence of additional staff and/or the sounding of a personal alarm are violence reduction strategies.

In dealing with inmate riots, we have taken extra steps to assist us in the prevention of riots and the violence that can result. These steps include the following:

1. Training staff to recognize the early signs of an impending problem/riot, i.e., grouping by race or gang affiliation.
2. At the first sign of problems, a meeting is held with the representatives of the opposing factions in an attempt to determine the issues and find a viable solution.
3. Quick and immediate reaction to riot situations through the proper use of audible warnings, verbal commands, and/or less lethal options, such as, Oleoresin Capsicum (OC) Pepper Spray and the 40mm Direct Impact Rounds.
4. In modified program situations as a result of a riot situation, perpetrators of the riot are identified and re-housed in Administrative Segregation. Other involved inmates are placed on modified program in their units and are re-housed within the units usually by tiers to better manage and control the lock-down inmates to prevent additional violence.
5. Staff again communicate with representatives of the opposing factions and when appropriate, allow them to talk and air their concerns.
6. Release of inmates from modified program status is closely monitored and tightly controlled to avoid future violence.
7. The goal through out this process is to modify the program of the involved inmates only. This allows the non-involved inmates to continue with program.

➤ ***Please provide data on the number of formal and informal 602's, custody and medical, filed by inmates, by yard, in the last 12 months and the time to respond to those appeals. Do you have data on how many 602's have been "screened out?"***

Informal CDC-602's

The Inmate Appeals Office does not log any Informal CDC-602 information; therefore, there is no statistical information available.

Formal CDC-602's

The following information is based on Formal CDC-602's for the time period of April 12, 2003 through April 12, 2004.

Total Medical CDC-602's:	113
Total Custody CDC-602's:	1,525

For your review, I have attached reports for "medical issues." As you requested, these reports are separated by facility and show the total CDC-602's for each designated facility. These reports for medical are also separated by first and second level. The "custody issues" are broken down into 17 different categories. The Inmate Appeals tracking system is able to run reports by all categories or by an individual category.

CDC-602 Screen Out

It is not possible to provide you with an exact number of screen outs, as several screen outs are returned to the inmate based on missing documents. The inmate attaches the documents and the appeal is accepted, logged and processed.

12/01/02 through 12/31/03:	Approximately 5,700 Screen Outs
01/01/04 through 02/28/04:	Approximately 917 Screen Outs

Response Time Limits

There are set time limits, per Title 15, to respond to a CDC-602: Informal level shall be completed within 10 working days; first level shall be completed within 30 working days; second level shall be completed within 20 working days or 30 working days if first level is waived pursuant to Section § 3084.5(a)(3); and third level shall be completed within 60 working days. The guidelines for responding to CDC-602's is strictly followed by Wasco State Prison - Reception Center staff, however, on occasion there may be a few overdue CDC-602's.

Category	Granted			Partially Granted			Denied		
	1 st Level	2 nd Level	Total	1 st Level	2 nd Level	Total	1 st Level	2 nd Level	Total
Disciplinary	6	13	19	1	13	14	6	114	120
Custody/ Classification	3	1	4	4	4	8	8	5	13
Mail	7	0	7	7	2	9	8	1	9
Visiting	1	0	1	0	0	0	3	2	5
Property	22	1	23	3	0	3	16	5	21
Case Info/Records	0	4	4	0	9	9	3	11	14
Staff Complaints	0	0	0	2	39	41	1	1	2
Medical	41	4	45	20	5	25	30	8	38
Living Conditions	15	0	15	3	1	4	11	2	13
Legal	3	0	3	5	0	5	1	4	5
Program	6	0	6	3	0	3	11	6	17
Segregation	0	0	0	1	0	1	0	0	0
Work Incentive	2	0	2	0	0	0	5	1	6
Re-Entry	2	0	2	0	0	0	5	0	5
Transfer	2	0	2	1	0	1	4	2	6
Funds	166	9	175	30	0	30	177	37	214
Other	0	0	0	0	0	0	0	0	0
ADA	106	8	114	124	13	137	176	34	210
TOTAL	382	40	434	204	86	290	465	233	698

Inmate Medical Appeals

The department realized it was needed to ensure that inmate medical issues were properly addressed in a timely manner, therefore, the Medical Appeals Analyst position was established. This position responds to appeals and tracks the nature, disposition and corrective actions generated by inmate medical issues. Duties involved are: maintain a database, conduct training sessions and develop reports regarding appeal activity.

All informal appeals are processed through the medical appeals office prior to response. Formal level appeals are issued log numbers and due dates by the Inmate Appeals office and forwarded to the Medical Appeals office. Once accepted, interviews with the inmates, review of the unit health record and clinic visits are scheduled. Responses are prepared and signed by the Health Program Coordinator and/or the Health Care Manager. Verification of Americans with Disabilities Act (ADA) issues per the Armstrong Remedial Plan are performed on a daily basis and forwarded to appropriate staff.

Inmate Medical Appeals Statistics

January 1, 2003 – December 31, 2003

Category	Total Number of Appeals		Category	Total Number of Appeals
Access to Care	163		Medication	168
ADA	211		Mental Health	28
Administrative	1		Psychiatric Evaluation	7
Cell Bunk Placement	9		Public Health Issues	1
Chrono Issues	56		Radiology	6
CoPay	127		Referral	17
Dental	94		Special Diet	10
Device Issues	38		Staff Complaints	6
Disagreement with Treatment	32		Supplies	14
Lab	13		Surgical Issues	31
Medical Records Issue	26		Transfers	11
Medically Unassigned	10			
			TOTAL	1079

January 1, 2004 – February 29, 2004

Category	Total Number of Appeals		Category	Total Number of Appeals
Access to Care	29		Medication	17
ADA	54		Mental Health	7
Administrative	0		Psychiatric Evaluation	0
Cell Bunk Placement	0		Public Health Issues	0
Chrono Issues	8		Radiology	1
CoPay	19		Referral	5
Dental	15		Special Diet	6
Device Issues	9		Staff Complaints	2
Disagreement with Treatment	1		Supplies	2
Lab	0		Surgical Issues	1
Medical Records Issue	3		Transfers	0
Medically Unassigned	1			
			TOTAL	180

- *How many lockdowns have occurred at your institution in the past year? Please indicate the duration, specific unit location, the approximate number of inmates involved, and the reason. What is your policy with regard to lockdowns and the extent to which they have the least impact on uninvolved inmates?*

The following are the statistics on Wasco State Prison - Reception Center's modified programs due to violence in the past year.

Modified Program Status

March 2003 – March 2004

DATE OF INCIDENT	HOUSING FACILITY	INCIDENT TYPE	NUMBER OF INMATES INVOLVED	GROUPS INVOLVED	DURATION OF LOCKDOWN/ MODIFIED PROGRAM
03/07/03	A-1, 2, 3, 4, 6 General Population	Riot	150	Black, Hispanic	03/07/03 – 04/16/03
04/26/03	A-1, 2, 3, 4, 6 General Population	Weapons Search		All	04/26/03 – 04/28/03
07/10/03	A-3 General Population	Battery on Inmate	3	Southern Hispanic	07/10/03 – 07/24/03
09/02/03	E Minimum Support Facility	Attempted Murder	1	All	09/02/03 – 10/14/03
09/24/03	A-1, 2, 3, 4, 6 General Population	Riot	81	Southern Hispanic, Black	09/24/03 – 10/14/03
11/20/03	A-1, 2, 3, 4, 6 General Population	Riot	16	Southern Hispanic, Black	11/20/03 – Present
01/16/04	C-1 Reception Center	Riot	37	Southern Hispanic, White	01/16/04 – 01/23/04
01/23/04	A-4 General Population	Battery on Inmate	4	Fresno Bulldogs	01/23/04 – Present
02/11/04	D-1 Reception Center	Riot	16	Southern Hispanic, White	02/11/04 – 02/17/04
03/09/04	D-2 Reception Center	Riot	64	Southern Hispanic, White	03/09/04 – 03/17/04

The following are the statistics on Wasco State Prison - Reception Center's modified programs due to medical reasons in the past year.

Modified Program Status

March 2003 – March 2004

DATE OF INCIDENT	HOUSING FACILITY	INCIDENT TYPE	NUMBER OF INMATES INVOLVED	GROUPS INVOLVED	DURATION OF LOCKDOWN/ MODIFIED PROGRAM
03/14/03	D-1 Reception Center	Medical Quarantine/Chicken Pox	1	All	03/14/03 – 04/04/03
07/01/03	B-1 Reception Center	Medical Quarantine/TB	1	All	07/01/03 – 07/07/03
08/27/03	D-4 Reception Center	Medical Quarantine/TB	1	All	08/27/03 – 09/02/03
09/23/03	B-6 Reception Center	Medical Quarantine/Chicken Pox	1	All	09/23/03 – 09/26/03
09/30/03	C-4 Reception Center	Medical Quarantine/TB	1	All	09/30/03 – 09/30/03
10/13/03	A-4 General Population	Medical Quarantine/TB	1	All	10/13/03 – 10/16/03
10/14/03	H-3 Reception Center	Medical Quarantine/TB	1	All	10/14/03 – 10/16/03
10/21/03	A-3 General Population	Medical Quarantine/Measles	1	All	10/21/03 – 10/24/03
01/17/04	C-3 Reception Center	Medical Quarantine/TB	1	All	01/17/04 – 01/17/04

Wasco State Prison - Reception Center policy on modified programs is to return to normal program as soon as it is safe to do so and to minimize the modified programs impact on non-involved inmates. Staff takes a proactive approach to curbing violence by identifying potential victims and relocating them throughout the Reception Center, using intelligence gathering and relationship building to diplomatically intervene and avoid violence. Staff conduct threat assessments to attempt to reduce the reoccurrence of violence. Staff are trained in collecting information with the goal of predicting inmate behavior.

➤ *What is your relationship with the Men's Advisory Committee? How often do you personally meet with them to hear their concerns?*

As the Warden, I have a proactive relationship with the Men's Advisory Committee (MAC). Meetings are scheduled on a monthly basis. Agendas, follow-up and minutes are maintained in an attempt to solve and bring closure to issues impacting the inmate population. The MAC is also tasked with developing programs, which will better the living conditions of the inmate population.

Overcrowding

- *Please provide a summary of your inmate population including custody level and ethnic background.*
- *What is the capacity of your institution and at what percentage over that number are you operating?*

Institutional Population Statistics

March 24, 2004

Location	Capacity	Assigned Beds	Available Beds
Reception Center	4995	4705	247
Level III	700	675	25
Level I	400	348	52
Administrative Segregation Unit	200	155	38
Correctional Treatment Center	16	16	0
Firehouse	8	8	0
Total	*6319	*5907	362

**Wasco State Prison - Reception Center is operating at 187% over capacity.*

Ethnic Breakdown

March 24, 2004

Location	Black	White	Hispanic	Native American	Other	Total
Reception Center	727	1565	2247	33	133	4705
Level III	216	194	233	7	25	675
Level I	68	132	135	5	8	348
Administrative Segregation Unit	19	54	78	0	4	155
Correctional Treatment Center	6	4	4	0	2	16
Firehouse	1	3	3	0	1	8
Total	1037	1952	2700	45	173	5907

Percentage	18%	33%	46%	17%	3%
------------	-----	-----	-----	-----	----

Visiting

- *California Department of Corrections recently decreased inmate visiting to Saturday and Sunday only. Your institution lost Friday visiting. What has been the impact of the change?*

Wasco State Prison - Reception Center averages 1,600 visitors per month.

Visiting Room Capacity:	Facility A	200
	Facility E	150
	Reception Center	60

Visiting Days & Hours:	Saturday & Sunday	8:00 a.m. – 4:00 p.m.
------------------------	-------------------	-----------------------

Holidays:	New Years, Independence Day, Labor Day, Thanksgiving and Christmas
-----------	--

Attorney Visits:	Seven days a week	8:00 a.m. – 4:00 p.m.
------------------	-------------------	-----------------------

The deletion of Friday visiting at Wasco State Prison - Reception Center has impacted us in the following areas:

- ⇒ On January 31, 2004, the first Saturday of implementation, we had approximately 200 visitors to see 141 Reception Center inmates. Approximately 60 of those pre-scheduled Reception Center non-contact visitors were reduced from one hour to 45 minutes to accommodate all pre-scheduled visits.
- ⇒ On February 14, 2004, seven mainline contact visitors were terminated early due to overcrowding.
- ⇒ On March 27, 2004, 11 mainline contact visitors were terminated early due to overcrowding.
- ⇒ Mainline visiting averages approximately 102 visitors and 56 inmates per visiting day.
- ⇒ Reception Center non-contact visiting averages approximately 198 visitors and 139 inmates per visiting day.

- *Have the number of visitors decreased? Have the length of visits been shortened for each inmate to accommodate more visits in less time? If so, approximately how much shorter are visits now?*

The average length of visiting for our mainline lasts approximately six hours. Since January 26, 2004, when visiting was reduced to two days, the length of visits is averaging three to four hours. In the event of overcrowding, visits are terminated in order of arrival. As a result, Wasco State Prison - Reception Center has lengthened the visiting times to allow up to seven hours per day. This change will hopefully increase the length of visits for families.

Recidivism

- *What are you doing to reduce recidivism? Are inmates assessed with a pre-release program that is developed upon their individual needs? Do any of your pre-release programs incorporate inmates' families? How much time per day/week is an inmate involved? How will these programs, if any, be impacted by any proposed budget reductions?*

The purpose of Wasco State Prison - Reception Center's Bridging Education Program, self help and religious programs are to reduce recidivism through the avenue of education. The mission of all of these programs is to provide inmates with the opportunity to attain life skills, communication skills, skills to develop a personal life plan, to establish goals to reintegrate themselves as useful members of society. Currently, our pre-release programs are not structured to incorporate families.

Inmates will develop individualized personal development plans that are consistent with the inmate's goals, objectives and abilities. They will be assigned appropriate materials relative to their personal development plan. The teachers will establish individual education files and track student progress and participation. The teachers will support the inmate's transition from the reception center to the general population, to work/educational class assignments, and/or parole. Inmates will have the opportunity to attain skills relating to anger management, employability/career development, substance abuse diversion, etc.

With the implementation and utilization of the monthly Inmate Family Council meetings, it is a goal that this group help in the development of support programs to address drug interdiction, religion and education.

These programs are not subject to budget reductions at this time.

- ***Have you instituted or expanded any programs to further reduce the risk that inmates will be returned to custody?***

The programs addressed below are vital to each individual inmate's self-improvement and lessen the probability of their return to prison.

Substance Abuse Programs

Both Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) are available to inmates in both mainline facilities. While offender participation is voluntary, many offenders have court-ordered requirements to attend 12-step addiction programs such as AA or NA.

Approximate Number of Participants in Alcoholics Anonymous and Narcotics Anonymous Programs

Facility 'A'	Alcoholics Anonymous	30 – 45 Participants
	Narcotics Anonymous	20 – 30 Participants
Facility 'E'	Alcoholics Anonymous	15 – 20 Participants
	Narcotics Anonymous	10 – 15 Participants

Religious Programs

Our institution provides a wide variety of religious programs for its diverse offender population. Congregational services, religious education programs, and counseling services are commonly provided through institution chaplains, with supplemental support provided through various community volunteers. The prison has full time *Catholic*, *Muslim* and *Protestant* chaplains. The *Native American Spiritual Leader* serves part time. *Jewish Chaplaincy* is vacant.

Friends Outside

The primary goal of the Case Management Specialist is to reduce tensions caused by family concerns through working with the inmate and/or the family; provide assistance with personal concerns related to incarceration through discussion and/or referral to institution resources; support the family system or surrogate-family system; and facilitate a successful reentry into the community by providing encouragement, discussion, information and referral. These services are accomplished by personal contact, printed information, open line and telephone contact.

In an effort to promote the visiting program for offenders, Wasco State Prison - Reception Center has joined other state prisons in a contract with Friends Outside, Inc., to provide a Visitor Center to support the needs of offender family members

and friends. The Visitor Center provides local area transportation, childcare, and comfort facilities, as well as information and materials needed to create the best possible experience for visitors to the institution.

Social Services and Workshops

The parenting education program is designed to reduce incidents of child abuse and neglect in high-risk parents and to set the stage for a successful reunification of the family after release. The program is specifically designed for incarcerated parents and/or primary caregivers who upon release might assume that role. The program is also structured to meet court ordered parenting education guidelines. Friends Outside is contractually mandated to complete 30 hours of instruction to 75 inmates per year.

As previously stated, it is my intent to network with outside groups to enhance these programs.

Drugs

- *How are you addressing the problem of inmate access to illegal substances? What specific steps have you taken to eliminate potential sources?*

Wasco State Prison - Reception Center has been tentatively been approved for a "pioneer" substance abuse program for the reception center. This program is still in the planning stages, however, it will address:

- ✓ Screen and assess inmates at intake for substance abuse program referrals.
- ✓ Improve outcomes of substance abuse programs by making the best program fit for inmate treatment needs at intake.
- ✓ Identify candidates who show high potential for treatment success.
- ✓ Screen for Drug Treatment Furlough.
- ✓ Provide substance abuse program orientation to participants.
- ✓ Assess inmate clinical needs.
- ✓ Provide introduction to substance abuse programs and cognitive skills curriculum.

Wasco State Prison - Reception Center's Inmate Family Council is developing a means to educate family visitors and inmates about the dangers and consequences if involved in drug activities.

The Investigative Services Unit staff monitor inmate access to illegal substances by utilizing the following methods:

- Random clothed and unclothed body searches of inmates and their living areas.
- Monitoring inmate mail and telephone calls.
- Search warrants obtained with probable cause.
- Gathering of information from routine interaction with staff.

Education and Work Programs

➤ *What educational and what vocational opportunities exist at your facility? What hours do they operate, in which yards, and over what length of time? Is there a waiting list for these programs? If so, how long is it? What programs have been eliminated or downsized in the last 12 months?*

Wasco State Prison - Reception Center has three traditional academic programs available, English as a Second Language (ESL), Adult Basic Education I/II (ABE), and Adult Basic Education III – General Education Development (GED). The Bridging Education Program and Arts in Corrections Bridging Program is available to inmates who are eligible to earn credit per Penal Code § 2933. There are no existing vocational programs in the institution. The Corrections Learning Network (CLN) is available in the institution to all inmates and staff.

Traditional academic programs operate on the Facility 'A' yard (security level III) and are 6.5 hours long and operate between the hours of 0815 – 1130 and 1200 – 1515 hours with a 30-minute lunch break, Monday through Friday, excluding weekends and holidays. Inmates remain in traditional academic programs until they are ready to progress to the next level. The Bridging Education Program operates on Facility 'A' yard, Facility 'E' yard (security level I). Inmates are in the Bridging Program on an average of 90 days, until transferring to a general population and being reassigned to a traditional academic program or work assignment or paroling. The Bridging program operates between 0730 – 1600 hours with a 30-minute lunch break, Monday through Friday, excluding weekends and holidays.

There are 191 inmates on the waiting list for the traditional educational programs. In the last 12 months four vocational programs were eliminated: Vocational Office Services, Vocational Dry Cleaning, Vocational Landscaping, and Vocational Upholstery. Prison Industry Authority was downsized.

➤ *Are you making use of video instruction or distance learning?*

Wasco State Prison - Reception Center utilizes the Corrections Learning Network, which provides educational programs via satellite during regular business hours. To accommodate inmates who are working during regular business hours, we video tape these programs and show them between 1700 – 2200 hours at night.

➤ *What work programs exist at your facility, including Prison Industry Authority? What hours do they operate and over what length of time? Is there a waiting list for these programs? If so, how long is it? How many employees are employed in work programs?*

Wasco State Prison - Reception Center provides a variety of work programs: Inmate Day Labor, Prison Industry Authority – Farm and Laundry, and various support services work programs such as janitor, culinary, and yard crew. There are currently 240 inmates on the waiting list for support services work assignments. However, inmates who are eligible to earn credit remain in Bridging Program while on the support services waiting list until reassigned. Inmate Day Labor and Prison Industry Authority – Farm and Laundry operate during business hours 0800 – 1600 daily Monday through Friday, excluding weekends and holidays. Inmate Day Labor employs six inmate workers and there is no one on the waiting list. Prison Industry Authority Farm employs seven inmate workers and no one on the waiting list.

➤ *What percentage of the inmates at your institution participate in educational, vocational, and work programs (please specify a percentage for each). Please provide a breakdown by race and custody level.*

Approximately **21%** of inmates participate in educational programs on Facilities 'A' and 'E' (general population). **Thirty-one percent** of inmates participate in work programs Facilities 'A' and 'E' (general population). **Thirty-three percent** are white, **25%** are Black, **37%** are Hispanic, **1%** are American Indian, and **4%** are other. **Eighty-seven percent** of inmates participating in education or work programs are Medium A custody, **9%** are Close B custody, **3%** are Close A custody, and **1%** percent is Minimum A custody.

- ***What work programs are available for life term inmates? What are the limits on job pay numbers for lifers, and what can be done to expand the jobs available to these inmates? If there are security concerns, do these respond to a statewide policy or are they institution based?***

When custody level allows it, life term inmates have the same opportunities as other general population inmates. Close A custody inmates are restricted to within the Facility 'A' perimeter. The pay range is \$12.00 - \$56.00 per month based on the job the inmate is assigned to. Pay rates are based on a statewide policy. Security concerns are addressed on each individual inmate during classification committee based on a statewide policy.

- ***What is the average reading level of your inmates?***

The average reading level of inmates in the traditional academic programs is 4.6.

English as a Second Language:	1.9
Adult Basic Education I/II:	5.7
Adult Basic Education III/GED:	6.3

- ***Do you feel that your education and/or work programs could be improved? How?***

In my opinion, aggressive recruitment and hiring of qualified teachers, teaching assistants, and supervisors could improve the education programs. The improvement of work programs is difficult based on the current funding.

Also, imperative to the success of these programs is the effective development, and distribution of resources. As previously stated, without appropriate staffing, how can the use of available technology, Correctional Learning Network, reach the masses in a more effective and efficient manner? Thoughtful and well-planned implementation of these programs can be beneficial to the inmate population and diminishing programs.

Health Care

- *In your opinion, what is the role of a warden in ensuring that health care is being provided in an appropriate and cost-effective manner?*

The warden should lead by example showing by his/her actions that the delivery of health care to the inmates is a priority. The warden should provide the impetus for ongoing communication between institution and health care staff.

- *What are the current problems or difficulties that challenge health care delivery at your facility?*

Major problems and difficulties involve the multiple gangs housed at Wasco State Prison - Reception Center necessitating days dedicated to specific gangs and hampering movement of other groups or individuals needing care. Similarly having both reception center and mainline general population inmates on the same yard as a result of the Los Angeles County Jail emergency causes movement problems in the yard.

- *Are any steps being taken to improve the medical appeals process? How do you track appeals at the informal level? Who is responsible for medical appeals?*

Current steps to improve the medical appeals process include the soon to be added assistant analyst position put together by using fractions of other positions within the Health Care Services Division at Wasco State Prison - Reception Center. The current Staff Services Analyst – Medical Appeals Coordinator assigns numbers to all informal appeals and assigns them to staff for response with an attached due date. The Staff Services Analyst – Medical Appeals Coordinator has the immediate responsibility for medical appeals. However, ultimately, the Health Care Manager has overall responsibility.

- *Do you have inmates who are housed in your infirmary beds who might more appropriately be housed in a skilled nursing facility? If so, approximately how many?*

Yes, of the ten medical beds in the Wasco State Prison - Reception Center's Correctional Treatment Center, 50% of five beds are filled with patients who should be housed in a skilled nursing or long-term care facility. The number of such patients severely hampers our ability to provide acute care to other patients at Wasco State Prison - Reception Center.

What is your institution's policy on charging for co-pays? What constitutes a follow-up visit?

The institution's policy on charging co-pay follows the guidelines provided under Title 15, Section § 3354.2. Inmates are charged co-pay for inmate initiated health care visits. Inmates are not charged for emergency visits, communicable disease related visits, mental health services, follow-up requested by the clinician, state mandated evaluation or treatments, or reception center screening or evaluation. A follow-up visit is one requested by a clinician to evaluate and continue treatment of a previously seen disease or injury process.

- ***When inmates arrive from other prisons, what is your policy regarding medication prescribed at other prisons? With regard to "chronos" that have been issued at other prisons? When you transfer inmates to other prisons, do you send prescribed medication information with them?***

Inmates arriving with documented, prescribed medications are continued on those medications until such time as our staff physicians evaluate them. Similarly, chronos that are currently in force at the time of transfer to this facility are honored as well. Inmates transferring out of Wasco State Prison - Reception Center are sent with prescribed medication information. If the inmate is paroling, he is given a 30-day supply of medication.

- ***Does your institution have difficulties recruiting adequate medical staff? If so, what steps have you taken to remedy this problem?***

This institution currently has difficulty recruiting several classifications of medical staff, most notably pharmacists, laboratory technicians, and registered nurses. The Medical Department is constantly recruiting for these positions through the departmental recruiting system, local contacts, and job fairs, etc.

- ***How often do you meet with the health care manager and/or chief medical officer? How do you promote collaboration between correctional and health care staff? Is there a specific person responsible for coordinating issues involving both custody and health care?***

The Warden and Health Care Manager/Chief Medical Officer meet daily in the executive staff meeting and weekly committee meetings, i.e., Medical Transportation Committee, etc. More importantly, the Warden and Health Care

Manager meet informally at almost any time when a need arises. There is not a person responsible for coordinating issues involving both custody and health care.

- *What health care personnel are available to your inmates? Who evaluates an inmate's need for medical, dental and mental health care and what is the average wait for non-emergency care? Are any physicians or dentists on prolonged leave for any reason including military leave?*

Health care staff available directly to inmates include medical technical assistants, registered nurses, psychiatric technicians, psychiatric social workers, psychometrists, psychologists, psychiatrists, primary care physicians, dentists, and a dietician. Other staff indirectly available are laboratory, pharmacy, radiology, etc. The need for mental health care can be evaluated and referred by any one from correctional officers to psychiatrists. More common in Administration Segregation, the psychiatric technologists is the first to see inmates. Registered nurses, medical technical assistants, or officers see inmates in housing areas. Referrals are made to Case Management (psychologists) and then if necessary to psychiatrists. Though in reception center screening, the first contact may be a registered nurse or psychologist. For medical or dental needs, officers for first evaluation by registered nurses or medical technical assistants often refer inmates. Inmates are then scheduled physician or medical doctor appointments. However, in reception center screening the first medical contact may be the physicians or dentist who is doing the screening.

Average wait time for non-emergent mental health care is three to five days. For non-emergent medical care, wait time is 14 – 20 days. For non-emergent dental care, wait time is 10 – 14 days.

There are two physicians out on long-term leave, one out for five months for medical problems, a second was removed from the institution for safety concerns. *(He had previously threatened a registered nurse on our staff.)* We continue to pay this physician's salary though he works at North Kern State Prison, and we cannot hire someone to replace him. North Kern State Prison was directed by Health Care Services Division Regional Administrator to place the physician in a position as one exists. At this time, North Kern State Prison has no physician vacancy.

- *What mental health treatment is available at your institution? How many slots are available and is there a waiting list for these treatment services?*

Wasco State Prison - Reception Center has a mainline Correctional Clinical Case Management Services (CCCMS) program with an authorized capacity of 217 inmates and currently 197 inmates in the program. The Reception Center CCCMS

program has an authorized capacity of 732 inmates and a current count of 788 inmates. Wasco's Correctional Treatment Center has six authorized mental health crisis beds but averages seven to eight mental health crisis patients most days.

Wasco does not have an authorized Enhanced Out Patient (EOP) program in either reception center or mainline but generally has 35 – 40 EOP inmates at any time awaiting transfer. Administrative Segregation has no authorized CCCMS program but has 50 – 60 CCCMS inmates on any given day. Therapy groups are provided in mainline, Administrative Segregation and in the reception center for approximately 40 – 50 inmates. There are waiting lists for the therapy groups numbering 40 – 50 inmates. Waiting time for non-emergent care is 3 – 5 days. We provide medication management, case management, mental health evaluations, crisis intervention and stabilization, and group therapy in all components of the program. In addition, we provide daily psychiatric technician rounds in Administrative Segregation and recreational therapy in the Mental Health Crisis Bed Unit.

- ***Are priority ducats issued to inmates in need of medical and dental care so that they can be seen throughout the day? What are the specific hours that inmates are seen for routine medical and dental care?***

Priority ducats are issued for inmates in need of medical and dental care. Hours of service for mental health are 0800 – 1700 hours. Psychiatric coverage is also available on a more limited basis from 0800 – 1700 hours on Saturday and Sunday. Psychiatric technicians provide mental health rounds in the Administrative Segregation Unit seven days a week, half days on weekends. Dental hours are 0630 – 1430 hours. Medical hours for routine care are 0700 – 1500 hours. Emergency care is available seven days a week 24 hours a day with on-call primary care physicians and on call psychiatrists.

- ***What is the “no-show” rate for health care clinics? What steps have you taken to assure that inmates keep their scheduled medical appointments?***

The “no-show” rate for mental health is negligible as care is provided directly in the housing units. No shows for dental clinic run about 10%. For medical clinics, the average is about 10%, as well.

What is your medical budget? Who negotiates and handles your medical contracts?

The medical budget is \$26,342,068. The department's contract division in Sacramento negotiates all contracts. Locally, the Health Program Coordinator, the Health Care Contract Utilization Program Analyst, and the Health Care Manager oversee Wasco medical contracts.

Law Library

- ***What is your policy regarding the searching of inmates' material in the law library? What is subject to confiscation?***

The inmates entering and exiting the library are subject to a random clothed body search, which includes materials in their possession. However, staff only check for contraband and do not read legal materials. Contraband is subject to confiscation. When the librarian contacts staff with any specific concerns regarding any particular inmate, staff will respond accordingly.

The library itself is searched on a random basis for contraband.

- ***When is the law library open? If the library is closed on specific days, how do inmates access it if those days are inmates' days off? What is the charge for copies?***

The current schedule for the Law Library is as follows:

Open on Wednesday's and Saturday's for Recreational Library and Law Library for Facility 'A' (level III general population) inmates. The Law Library is open on Saturday for Facility 'E' (level I general population) inmates. The Law Library is open Monday through Friday in the Reception Center. When the library is closed on an inmate's days off, accommodations are made by the Senior Librarian to ensure the inmate has access to the library.

Inmates who have a verified legal deadline can also submit a request for interview form if they need certain materials or copies of documents at 10 cents per page.

Litigation

- ***Please provide the committee with a list of the following: (1) all pending litigation in which you or your institution is named; (2) any judgments or settlements against you or your institution since you have been Warden; and (3) any existing court orders involving your institution. Please comment on any litigation that has been given a court date, all judgments or settlements, and the status of any court orders.***

Please refer to attachments concerning all pending litigation, judgments or settlements against me or the institution since I have been Warden.

There are five major settled litigations that involve the Department of Corrections. The settlements are approved by the court and are monitored on a regular basis. Wasco State Prison - Reception Center is in an ongoing process of working with opposing counsel in the following cases to ensure compliance with these settlements, which include providing of inmate services and proof of practices.

- Coleman v. Wilson (Wasco State Prison - Reception Center monitors inmates who are taking heat medications on a year round basis)
- Valdiva v. Schwarzenegger
- Clark v. California
- Armstrong v. Wilson (Armstrong 1)
- Armstrong v. Davis (Armstrong 2)

Plata is another major lawsuit in which a federal judge has approved a settlement about medical care in all California prisons except for Pelican Bay. Wasco State Prison will not be fully implemented until 2008.

Please refer to Attachment (C) (*next page*) for a complete listing of Wasco State Prison - Reception Center's ongoing litigation cases.

- ***How many Equal Employment Opportunity (EEO) complaints has your institution received in the past two years? How many of them have been resolved?***

There were a total of 49 complaints filed at Wasco State Prison - Reception Center during the calendar year of 2003. Fourteen of these were formal and were referred to the Office of Civil Rights for Administrative Inquiry. The charge on one complaint was sustained. Twenty-nine of the 49 complaints did not meet Equal Employment Opportunity criteria and were resolved as supervisory issues. Additionally, six complaints were filed with Department of Fair Employment and Housing. No charges were sustained. When issues arise, I must pursue resolutions aggressively and be proactive in ensuring a harassment free work environment.

Wasco State Prison - Reception Center Litigation Report

CDC #	Name	Date Received @ WSP	Case/Court #	Issue	Interested Parties	Status of Case	Court Information
57	CCPOA V California	03/01/04	004CECG005 44MWS	Violation of civil rights of Correctional Officer Moore	P. Vazquez		Open
1	Anderson v California	06/26/03	03c-0003	Medical negligence resulting in death	Nancy Merrifield		Active
2	Baird v Alameida	02/14/03	CV-02-6877 OA (SGL)	Therapeutic Medical Diet for Diabetics	R. L. Candelaria, E. Alamedia	DAG-Rene Lucaric Active	Active
3	Baird v Candelaria	09/05/00	CV-00-04604 CM	Therapeutic Medical Diet	R. L. Candelaria,		Active
4	Baumer, William v. George Galaza	09/14/99	CVF 97-5197 AWI SMS P	Inadequate medical care re: broken right leg	Dr. K. Kellawan	DAG-Matt Mendelbaum Active - COR Case	Pending discovery
5	Bergne v WSP	07/07/03	250442	Failure to transfer to institution that can provide proper medical	R. L. Candelaria	DAG-David Corrasco	Open
6	Bodde, Bernard v CDC	02/16/01	00C2342	Plaintiff claims he was misdiagnosed with TB instead of lung cancer	Dr. M. Songer Dr. Fond	DAG-David Carrasco Active	
7	Callegaria v Cambra	02/14/03	CIVS-01-0566 FCDGGHP	Retaliation for Lawsuit	Gerald W. Edwards Lieutenant		Pending
8	Consentino v CDC	02/03/03	CIV-F-026375	Medical staff failed to diagnose lump on neck as cancer	R. L. Candelaria Dr. Benard Ramos		Pending
9	Dannenberg v Candelaria		CIV-F-02595 RECSMS-P	Disallowed Publications/Lost Property	R. L. Candelaria, T. Sepulveda, P. Rodriguez		Pending
10	Davis v Alameida	06/26/03	CIV-F-02-6146 AWI DLB P	Refusing to medically treat and discriminating/disabilities	R. L. Candelaria, Shen Kadrick		Pending
11	Francis, Louis v George Galaza	04/05/00	CIV-F-99-5905 AWI LJO P	"Slip & Fall" due to standing water containing bacteria in inmate's cell	G. Honest Lieutenant	DAG-Anya Bisacca Active - COR case	Pending dismissal from Federal court
12	Fuentes v Brown	10/02/03	TAG P	Failure to allow debrief	W. Harris Correc. Officer		Active
13	Gary & Christina Avila v State of California	10/11/02	02A505328	Inmate Avila killed by cellmate Posada, family claims they shouldn't have been cellie's	R. L. Candelaria, S. Trevino, D. Speer, Chrones, numerous others	DAG (SAC) Active	Open
14	Georgiades, Kyriacos v Mark Howard, et al	02/01/02	CV 01-9226 GLT (CW)	Restitution monies withheld, TV issues with cellmate, ban smoking, food	E. Borrero Corr. Counselor II	DAG- (LA) LAC Case Active	
15	Gonzalez, Javier v State of California	05/24/01	CIV-F-00-6685 REC/DLB	Plaintiff claims that defendants failed & refused to investigate his complaints that he was wrongfully held in custody & not properly processed.	L. Hernandez	DAG-Michael Williams (SAC) Active	3 rd Motion to dismiss pending
16	Hackett, Eric	09/12/01	CIV-F-01-6076 OWW LJO P	Late release after re-sentencing	M. Burst S. Mason		

CDC #	Name	Date Received @ WSP	Case/Court #	Issue	Interested Parties	Status of Case	Court Information
17	Haykel, Frederick v R. L. Candelaria	01/16/01	CIV-F-00-7122 OWW DLB-P	Plaintiff claims he slipped & fell on water in C1 water problem not yet corrected and lack of medical care	R. L. Candelaria	DAG-Active	
18	Henry v Melching	11/25/03	CIV F-01-5225 AWI DLB P	Failure to enforce no smoking policy endangering health	P. L. Vazquez	CCI Case	Open
19	Hoelscher, Loren v R. L. Candelaria	02/16/01	CIV F-99-5585 OWW SMS P	Plaintiff claims he was denied his right to receive religious material	R. L. Candelaria D. Fulks	DAG-Mike German (SF) Active	
20	Hood, Lyle v G. Smith	12/15/97	CVF 97-5013 REC HBG P	Conspiracy to remove plaintiff from PHU & transfer to SHU, which would endanger his life.	G. Honest R. L. Candelaria	DAG-Jim Petske Active - COR Case	Finishing discovery pending motion for dismissal
21	Johnson, Andre v WSP	10/16/00	SC003754	Plaintiff claims his personal property was donated instead of being sent home	A. Fillon, G. Macato, S. Brodie	DAG-John Harrel Active	
22	Johnson, John v CDC	03/19/02	02-02109 DT PLAX	Inmate barber tools are not sterilized between haircuts exposing inmates to HIV/AIDS, Hepatitis	California Department of Corrections	DAG-Darrell Lepkosky (SAC) Active	
23	Johnson, Todd v E. Boone	10/26/98	CIV 97-0799 LKK GGH P	Denial of protective housing due to unverifiable threat on inmate's life.	G. Robles	DAG-Fayard Active COR Case	Pending discovery
24	Jones v CDC	09/08/03	CIV-F-5221 AWI	Endanger of Life	L. A. Carlos, Miss Williams	William Cashdollar	Active
25	Jordan, Patricia v State of California	12/14/00	CIV-F-6552	Former MTA claims sexual harassment	California Department of Corrections	DAG-Ashante Norton	Settled
26	Kellum, Vincent v Briddle	08/25/98	CIV S 97-1481 WBS JFM P	Inmate's injured leg not taken into consideration	R. Duvall	DAG-Connie Picciano Active - HDSP Case	Open
27	Lantz, Roy v State of California	05/14/02	246446 JES	Failure to summon medical aid, medical malpractice-negligence and loss of consortium	Dr. Andrew Leong	DAG (SAC) Active	Open
28	Love, Calvin v L. Hernandez	10/27/94	CIV F-94-5348 REC HGB	Inmate claims he was "set up" in a shooting by correctional officers.	L. Hernandez J. Alvidrez M. Uriaz	LAD	Motion for dismissal granted, Inmate appealed.
29	Manning, Martin J. v Jonathan King	06/14/99	CVF 98-5638 OWW LJO P	Deliberate indifference to inmate's medical psych needs. Also denial of access to ADA by inmates.	L. Sutherland, D. Brown K. Cloud A. Castaneda	DAG-Sarah Turner (SF) Active	Open
30	Martinez, Archie v	03/11/02	CIV S-01-0719 WSB	Plaintiff claims he was an	G. Honest	DAG-	

Wasco State Prison - Reception Center Litigation Report

CDC #	Name	Date Received @ WSP	Case/Court #	Issue	Interested Parties	Status of Case	Court Information
	George Galaza, et al		GGH P	informant and staff didn't protect him. He was assaulted several times.		(SAC) Active - COR Case	
31	Martinez, Herbert v R. L. Candelaria	10/20/00	CIV F-00-6546 REC DLB P	Plaintiff claims WSP-RC denied him access to his medications. Records need for Social Security claim	R. L. Candelaria	DAG-Active	
32	Mathis, Robert v C. A. Terhune	01/07/00	CVF 99-5403 REC SMS P	It is illegal to have RC inmate no smoking policy	R. L. Candelaria	DAG-Barbara Sutcliffe (SF) Active	Pending court finding on motion of dismissal
33	McKelly, Michael v Lt. G. Honest	09/06/00	CVF-00-5239 OWW SMS P	Plaintiff claims Defendants choked and battered him	Lt. Gary Honest Sgt. Jose Gamez	DAG-Barbara Sutcliffe (SF) Active	
34	Moore, Kevin v R. L. Candelaria	10/11/00	CVF-00-5344 REC DLB	Plaintiff claims MTA's did not perform their duties and refused him medical treatment	R. L. Candelaria Brian Stringer Lance Lowery Eugene Owens	DAG-Michael German (SF) Active	Motion to dismiss, pending
35	Moten, Rickey v Olmedo	08/09/96	CVF 96-5364 OWW DLB P	Inmate slipped & fell in day room resulting in injury to back. Was then denied timely medical attention.	T. Hillard J. Olmedo	DAG-Monica Anderson Active	Trial set 11/18/02
36	Mullicane, Glendon v K. Harrington, et al	05/07/01	CVF 00-5004 REC LJO P	Plaintiff claims Ad/Seg staff knew a "hit" was placed on him and he was "hit" by a dart and CDC didn't provide proper medical treatment and a result he has hepatitis C.	S. Trevino D. Lacey R. Meserole R. Cortez d. Arguello P. Montemayor K. Harrington	DAG-Jennifer Perkell (SF) Active	Open
37	Ooten v Menser	08/11/03	250-062 SPC	Excess use of force	C/O A. Menser	Krista Pollard	Active
38	Ortiz, Larry	04/28/00	HC006867	Plaintiff Claims his release date has been miscalculated.	Institution	DAG-Connie Picciano (SAC) Active	Pending court ruling on defendant's answer
39	Owens, Sammie	06/27/01	HC 7219a	DNA samples per PC296. He claims PC296 is not retro & he was not returned to prison for any of	Institution	LSDAG-Connie Picciano (SAC) Active	
40	Perkins, Gary R. v Cal Terhune	06/16/99	C9920440 KW PVT	Unlawful shooting of inmate.	A. Fillon	DAG-Song Hill Active - SVSP Case	Open
41	Poppin v Gomez	12/09/03	CIV F-01-6504 AWI LJOP	Failure to allow appeals/not allowing due process	R. L. Candelaria E. Borrero		Open

Wasco State Prison - Reception Center
Litigation Report

CDC #	Name	Date Received @ WSP	Case/Court #	Issue	Interested Parties	Status of Case	Court Information
42	Ramirez v Bocella	08/19/03	C-03-2440-CRB	Excess use of force	S. Williams Corr. Officer		Active
43	Robbins, Earl v R. L. Candelaria	09/03/98	98 CV 1124 J RBB	Inmate "mis" classified with 'R' suffix and he rec'd death threats from other inmates due to 'R' suffix.	R. L. Candelaria S. Vagle	DAG-Conrad Shroeder (L.A.) Active	Open
44	Rodriguez, Jesus v George Galaza	07/19/99	CIV F 98-5643 AWI HGB P	Improper confinement in Ad/Seg and claims of retaliation for filing an appeal.	G. Honest	DAG-Gregory Waliton Active - COR Case	Open
45	Rooks, John Douglas v Linda Clarke	12/21/00	C00-1133 VRW	Access to the courts, denial of due process re: disciplinary charges and classification and excessive	S. Hobbs	DAG-Matt Mandelbaum Active - CTF Case	Open
46	Sainz v California Department of Corrections	04/15/03	CIV F-03-5179	Inmate Suicide	R. L. Candelaria J. Najera		Pending
47	Calif. Supervisors v R. L. Candelaria	09/10/03	S-1500-CV-251080 RJA	Failure to allow representation	R. L. Candelaria		Active
48	Washington, Arvan v California Department of Corrections	11/26/01	01AS04929	Failure to diagnose disability and make reasonable accommodation	Dr. M. Songer Dr. M. Thomas		Open
49	Wertheimer, David v R. L. Candelaria	10/26/01	CV F-00-5939 OWV SMS P	Inmates are only allowed 2 hours per week of law library time and denial of photocopying of legal documents by library staff	G. L. Robles D. Bowlin N. Olson L. Armendariz	DAG-Krista Pollard Active	Open
50	White, Jeffery v J. Wilkerson	01/05/00	CIV F-96-5377 REC LJO P	...by staff when he got off the bus at COR	G. Honest	DAG-Mike Williams Active - COR Case	Open
51	White, Leslie v Janice Brown	01/25/00	CIV F-960-1538 GEB GGH P	Endangering plaintiff by placement near known enemies not allowing plaintiff writings	R. L. Candelaria	DAG-Michael Williams Active - COR Case	Case stayed pending settlement negotiations
52	Wilson, Nakuma v G. Brochu, et al	07/01/02	S-1500-CV- 0000246716-	...on C-Status and conspired to falsify documents in order to keep...	Monica Carrasco	(SAC) Active - CCI Case	Open
53	Wood v Nguyen	08/29/03	CIV F-02-6446 AWI SMS P	Improper medical care	Dr. Hguyen, Dr. Godges Dr. Ramos	Tort Section	Active
54	Woodard, Ty v J. Govea	07/10/00	CIV F-99-6309 AWI HGB P	Deprived him of basic requirements essential for daily	J. Govea	DAG-Rochelle Holmann Active	Open
55	Young v Danielson		CIV F-02-5003 REC SMS P	Medical Procedures - pain, suffering, indifference	Ruby Doser (GS MCCF)	DAG-Bruce J. Braveman	Active

Wasco State Prison - Reception Center Litigation Report

	CDC #	Name	Date Received @ WSP	Case/Court #	Issue	Interested Parties	Status of Case	Court Information
56	K-13977	Young, Charles v California Department of Corrections	11/27/01	S-1500-CV- 0000245098	Negligence. Plaintiff suffered paralysis of his lower extremities.	Dr. C. Shen Dr. A. Leong	897-2119 Active	Open
58		Operating Engineers v California Department of Corrections	01/30/04	BS078855	Use of Non Bargaining Unit 12 Staff in Memorandum of Understanding jobs.	R. L. Candelaria	DAG-Wisiniewski	Open
59	T-24950	Gunny v California / Dr. Tony Lee	03/01/04	S-1500-CV/252166 RJA	Conditions causing staph infection/improper treatment	Dr. Tony Lee		Open



KERN STATE PRISON
Cecil Avenue
x 567
California 93216-0567
I-2345, Extension 5000



April 23, 2004

**Lea Ann Chrones
Responses**

Nettie Sabelhaus
Appointments Director
Senate Rules Committee
State Capital
Room 400
Sacramento, CA 95814

Dear Ms. Sabelhaus:

Please find enclosed the response to the questions requested by Senator Burton.

I can be reached at (661) 721-3160. Thank you.

Sincerely,

*Originally signed by
Lea Ann Chrones*

LEA ANN CHRONES
Warden

Enclosure

APR 23 2004

STATEMENT OF GOALS

- **Please provide a statement of goals describing what you hope to accomplish during your service as Warden.**
- *As Warden, I will strive to increase the level of confidence and restore credibility to both the position I hold and the Agency and Department I serve. I will accomplish this by presenting a vision that provides ethical, honest and straightforward leadership for my staff, inmates and community.*

At North Kern State Prison (NKSP), one of my principal goals is to effectively manage the Reception Center population. I will accomplish this by developing a more comprehensive tracking system to insure that the inmates are processed through the Reception Center and endorsed to their permanent institution in 60 or fewer days.

The acquisition of additional programs and enhanced level-appropriate activities for the mainline inmates is an important goal that I feel is attainable while maintaining security and operating within budgetary constraints.

BUDGET

- **What steps will you be taking to address projected budget reductions? How will these reductions affect inmate programming, staffing and health and mental health care of inmates? Are you currently operating within your authorized budget?**
- *I have established committees that meet daily to address overtime, sick leave usage, and all extraordinary expenditures at the Institution. Every effort is made to keep my staff aware of our budgetary situation, and our responsibility to use our allotment in the most effective manner. I have stressed to my staff and inmates that we will provide as much programming within my authority to the mainline population at NKSP. All potential staffing reductions are closely scrutinized to insure the safety and security of the staff and inmates are not compromised.*

I am not currently operating within my budgetary allotment. As of April 2004, I am approximately \$8.2 million in the red. This is a result of several unavoidable expenditures to include; Administrative Segregation overflow; medical guarding; medical transportation; and emergency Reception Center overcrowding from Los Angeles County.

STAFFING

- **Please provide a list of existing vacancies and identify the efforts you are making to address long-term vacancies or any other staffing problems such as in the nursing positions. Please provide information for custody, non-custody and health care positions that identifies positions that have been vacant longer than six months.**
 - *(See Attachments Staffing A & B for vacancy list)*
 - *To fill long-term vacancies such as nursing positions we have and will continue with our attempts to actively recruit qualified personnel.*
- **Please provide data on the sick leave usage of all staff for each of the last 12 months including any data on the use of long-term medical leave.**
 - *(See Attachments Staffing C for sick leave usage list)*

PERSONNEL ISSUES & EMPLOYEE DISCIPLINE

- **As Warden, what steps have you taken to combat sexual harassment and/or discrimination? Please provide any data regarding pending complaints?**
 - *Ensure all staff at NKSP has received four hours (two additional hours for supervisors) Equal Employment Opportunity (EEO)/Sexual Harassment training (within the last 12 months).*
 - *All new staff has received EEO/Sexual Harassment training during New Employee Orientation.*
 - *Maintain two bulletin boards with the names and photographs of staff trained as EEO Counselors, the EEO Coordinator and the two assistant EEO Coordinators. This allows for easy identification of staff that are available to address any concerns employees may have.*
 - *EEO Hotline bulletins are prominently displayed throughout the Institution.*
 - *Display a large informative EEO poster in the administration building for all staff to see that includes phone numbers to contact if an employee believes they have been discriminated against.*
 - *I meet regularly with the EEO Coordinator to discuss pending inquiries and related EEO topics (training, supervisory issues, etc.)*

- *I lead by example and insist that my management and supervisory staff do the same. Additionally, I issued a memorandum dated March 10, 2004, to all staff reminding them that Discourteous Treatment, Discrimination and Sexual Harassment will not be tolerated at NKSP.*
- **Please provide data on each employee disciplinary action taken in the last 12 months indicating the staff level of the employee, the alleged misconduct, the results of any investigation, the level of investigation, the results of the investigation (substantiated or not substantiated) and the action taken, if any.**
- *(See Personal Issues & Employee Discipline Attachment A for all disciplinary actions and results of investigations, that have taken place at NKSP within the last 12 months)*
- **What criteria do you use to determine whether alleged misconduct warrants a Category I or Category II investigation?**
- *Category I investigations are those that can be performed by my staff reasonably and include such issues as: Neglect of duty, excessive tardiness, DUI's, and other potentially non-criminal behaviors in accordance with Department Operations Manual (DOM) section 31140.6.1.*

Category II Investigations are those that are serious in nature and require an investigator from the Office of Investigative Services to complete it. These include offenses that are felonious, multi-jurisdictional, high ranking employees, CCPOA Chapter President and negligence in reporting excessive or inappropriate uses of force on an inmate. Dishonesty in reporting is also in this category. These are in accordance with DOM section 31140.6.2.

Additionally, I use my experience, training and common sense in determining which category to use. If in doubt, I confer with the Office of Investigative services and/or my chain of command.

- **What criteria do you use to determine the level/severity of discipline imposed?**
- *All disciplinary actions and penalties shall be imposed in a fair, objective and impartial manner and shall be consistent. In determining the appropriate level of penalty, the overriding consideration shall be the extent to which the employee's conduct resulted in, or if repeated is likely to result in, harm to public service. A case-by-case determination shall be made using some of the following factors to determine the penalty level for each employee:*
 - *The exact nature of the misconduct.*
 - *Why the misconduct occurred.*

- *Whether or not the misconduct was reasonably justified.*
 - *Whether or not the misconduct was cause for adverse personnel action.*
 - *The employee's length of service.*
 - *The employee's past cumulative job performance.*
 - *The employee's attendance record.*
 - *Commendations received by the employee.*
 - *The employee's training records.*
 - *The employee's disciplinary history.*
 - *Honesty by the employee.*
 - *The underlying circumstances of the offense and the likelihood of its recurrence.*
 - *The overall policy of the Department in seeking to deter the involved misconduct.*
- *After an Adverse Personnel Action is reviewed by the Warden, it shall be forwarded to Personnel Operations. The Personnel Operations Specialist will do a comparison of cases from other institutions with similar circumstances to determine the level of penalty. This procedure ensures that the level of penalty for Adverse Personnel Actions is consistent within the institutions. The final determination is made at the Skelly Hearing. The Skelly Hearing gives the employee the opportunity to bring forth evidence in their defense as they relate to the statement of facts in the Adverse Action package. The Skelly Hearing Officer has the authority to either sustain or modify the Adverse Action to a lesser level of penalty.*
- **How many staff are currently using Administrative Time Off (ATO) because of pending investigations?**
 - *Since my appointment to NKSP, I have had one (1) staff member on ATO for a period of eight days. I do not have any employees on ATO currently.*
 - **What have you done to ensure that employees follow both CDC regulations and the law? Have you taken any steps to address what is referred to as the Code of Silence?**
 - *I ensure that all employees are current in their In-Service-Training (IST), as well as receiving On-The-Job training (OJT) from their immediate supervisors in the DOM, Title 15 and all other notifications and information pertaining to job specifications and responsibilities. This is monitored by annual performance evaluations, and delinquent reports relevant to IST/OJT mandates fro staff.*
 - *I have personally distributed a memorandum regarding the "Code of Silence" and my expectations and thoughts on behavior related to it. I am additionally creating a 15 minute video presentation to all staff to be shown at all annual training classes personally speaking to them regarding Departmental expectations as well as my own.*

INMATE RELATIONS

- What problems are you experiencing regarding inmate violence at your institution? How are you responding to those problems, especially in terms of violence reduction strategies?

➤ *NKSP has been on/off modified program as the result of various violent incidents (see below-lockdowns). To the extent possible, inmates are housed in the safest way possible in the RC to ensure their safety as well as staff's. RC inmates are evaluated based on all known factors as soon as they arrive in order to determine if they require celled housing or dormitory housing; have safety needs; or belong to recognized disruptive groups. Communication during orientation and diagnosis also assists in reducing the potential for violence.*

I regularly meet with the Men's Advisory Committee's on the mainline yards. Again I believe communication, providing programs, monitoring the population, and drug interdiction are all key elements in reducing violence.

- Please provide data on the number of formal and informal 602's, custody and medical, filed by inmates, by yard, in the last 12 months and the time to respond to those appeals. Do you have data on how many 602's have been "screened out?"

➤ *ALL APPEALS FROM MARCH 1, 2003 THROUGH MARCH 31, 2004*

APPEALS PROCESSED BY YARD

	<u>A Facility</u>	<u>B Facility</u>	<u>C Facility</u>	<u>D Facility</u>	<u>E Facility</u>	<u>Out- Age</u>
<u>Informals</u>						
Custody/Classification	176	271	295	388	31	34
Medical	60	75	116	56	20	3

Total Informals processed: 1525

Eighty-one informals continued through the First Level.

<u>First Level</u>						
Custody/Classification	143	103	85	200	22	
134						
Medical	29	41	49	56	10	
4						
ADA	37	210	235	192	15	
10						

Total First Level/Medical/ADA processed: 1575

Second Level

188 First Level appeals were processed through the Second Level. The following 163 appeals represent appeals, which bypassed First Level and were processed directly at the Second Level. Eighty-nine of these appeals represent disciplinary RVR's.

<u><i>A Facility</i></u>	<u><i>B Facility</i></u>	<u><i>C Facility</i></u>	<u><i>D Facility</i></u>	<u><i>E Facility</i></u>	<u><i>Outside Agency</i></u>
52	19	13	54	7	18

Medical and ADA had 77 appeals processed through the Second Level and 8 were processed directly at the Second Level, bypassing First Level.

Total Second Level processed: 436

Screen outs were not actively logged into the Appeal Tracking System until January 1, 2004. From January 2004 through March 31, 2004, there have been 541 appeals screened out and returned to the inmates. Most screen outs are due to no name, no number, too many pages, improper use, duplicate issue that has not been resolved yet with original the 602, time constraints are elapsed, submitting an appeal on the behalf of another inmate, not attaching necessary copies of documents etc. Title 15 and/or the Armstrong remedial plan are used as the basis for all screen outs.

Average processing time of First Level appeals is 25.8 days.

Average processing time of Second Level appeals/non disciplinary is 18.8.

Average processing time of Second Level appeals/disciplinary is 18.7 days.

Average processing time of ADA appeals is 11.7 days.

- **How many lockdowns have occurred at your institution in the past year? Please indicate the duration, specific unit location, the approximate number of inmates involved, and the reason. What is your policy with regard to lockdowns and the extent to which they have the least impact on un-involved inmates?**
 - *(See Inmate Relations Attachment A)*
 - *Lockdowns and/or Program Modifications have no impact on Inmates who are uninvolved. They continue with normal programs.*
- **What is your relationship with the Men's Advisory Committee? How often do you personally meet with them to hear their concerns?**

- *I meet with the MAC's on both mainline yards monthly, and occasionally when I tour the yards on an informal basis. There have been many issues resolved to mutual satisfaction over my tenure at NKSP.*

OVERCROWDING

- Please provide a summary of your inmate population including by level and ethnic background.

➤ *OFFENDER POPULATION STATISTICS
APRIL 19, 2004*

<i>Offender Population by Level</i>	<i>Population</i>	<i>Vacant</i>	<i>Total Capacity</i>
<i>Level I</i>	<i>360</i>	<i>40</i>	<i>400</i>
<i>Reception Center</i>	<i>3749</i>	<i>35</i>	<i>3784</i>
<i>Level III</i>	<i>671</i>	<i>18</i>	<i>689</i>
<i>Other (Infirmary, ASU, Fire house)</i>	<i>183</i>	<i>141</i>	<i>324</i>
<i>Total</i>	<i>4963</i>	<i>234</i>	<i>5197</i>

<i>Offender Population by Ethnic Background Mainline Level I & Level III, Infirmary, ASU, Fire house</i>	<i>Population</i>
	<i>Black - 379</i>
	<i>White - 269</i>
	<i>Hispanic - 347</i>
	<i>Other - 48</i>
	<i>Native American - 9</i>
<i>Total</i>	<i>1052</i>

<i>Reception Center</i>	<i>Population</i>
	<i>Black - 1005</i>
	<i>White - 784</i>
	<i>Hispanic - 1982</i>
	<i>Other - 115</i>

	<i>Native American - 25</i>
<i>Total</i>	<i>3911</i>

- *(Also see Overcrowding Attachment A & B for percentages)*
- **What is the capacity of your institution and at what percentage over that number are you operating?**
- *The total institutional inmate capacity of NKSP is 5,197. We usually are operating at a percentage slightly below the total.*
- *(Also see Overcrowding Attachment A & B)*

RECIDIVISM

- **What are you doing to reduce recidivism? Are inmates assessed with a pre-release program that is developed based upon their individual needs? Do any of your pre-release programs incorporate inmates' families? How much time per day/week is an inmate involved? How will these programs, if any, be impacted by any proposed budget reductions?**
- *To reduce recidivism I am ensuring that the education programs are on line and continue to be filled to quota. In addition, the Correctional Learning Network is running on Facility A to provide additional programs to inmates and providing a Re-Entry program.*

Each inmate is provided information related to their area of parole, i.e., county, and city.

Re-Entry curriculum provides information related to family and parenting. This includes anger management, childcare information and parenting classes, pro-social behavior and some substance abuse counseling.

Inmates are involved in Pre-Release 6.5 hours per day, 5 days a week for 3 weeks.

At this time, I am not aware of any specific budget reductions that will negatively impact the pre-release programs. I feel that additional services for inmates within 6-months to parole would be beneficial. To the extent possible, I will pursue options to expand our current program.

- **Have you instituted or expanded any programs to further reduce the risk that inmates will be returned to custody?**
- *The expansion of programs such as the Bridging Education Program in both the Reception Center and Mainline as well as the Correctional Learning Network*

(CLN) will help reduce the risk that inmates will be returned to custody. Additionally, I am examining the possibility of adding college course availability for the mainline population in conjunction with the CLN. As stated above, I will actively pursue expansion of the pre-release programs at NKSP.

DRUGS

- **How are you addressing the problem of inmate access to illegal substances? What specific steps have you taken to eliminate potential sources?**

- *In dealing with narcotics interdiction, the strategy of NKSP is one that is adapted from the "Zero Tolerance" policy. This interdiction strategy begins with well-trained motivated correctional staff who have a sincere desire and dedication to ensure the safety and security of this Institution. NKSP currently has an investigative team consisting of 15 members that have been selected through a competitive process and then have received advanced training in investigative techniques related to narcotics interdiction. Once on line, these staff members utilize a multi-faceted proactive approach to interdict narcotics inmates are attempting to introduce into NKSP.*

In addition to the investigative staff at NKSP, all other correctional staff receive numerous hours of not only OJT but they also receive several hours of formal IST on subjects related to narcotics identification and interdiction. With the combined efforts of all correctional staff, good communication and continued training, interdiction strategies are put into place at NKSP.

As stated previously, motivated staff are the primary contributing factor to narcotics interdiction at NKSP. Only the most qualified dedicated staff are chosen for the investigative unit and then they receive advanced training in narcotics interdiction and investigative techniques. These staff members combine their individual experiences, expertise and training to form a unit dedicated to narcotics interdiction. In dealing with narcotics interdiction, it is important not to solely focus on one area but one must be able to think out of the box and be able to stay one step in front of the inmates. To keep up with this sometimes-overwhelming task, tools such as the Inmate Security Telephone System (ISTS), surveillance cameras, remote listening devices and the RapiScan Fluoroscope machine are utilized to decipher and/or obtain pertinent information regarding narcotics being introduced into the Institution.

In addition to the technology tools utilized by investigative staff, other interdiction techniques are also used to assist in the narcotics interdiction efforts. Investigative staff monitor all incoming and outgoing mail for coded language or terminology, all Inmate Trust Withdrawals are tracked to determine where monies are being sent, staff constantly conduct interviews to either obtain or corroborate information, confidential inmate sources are utilized to initiate or

corroborate information and continual searches in the institution are conducted to obtain evidence related to these efforts.

Investigative staff also utilize outside law enforcement agencies to aid in the efforts to interdict narcotics, which are paramount to the success of these interdiction strategies. This approach is essential in keeping with our aggressive interdiction strategies as many narcotics offender are often apprehended prior to their arrival to NKSP. Agencies such as District Attorney's Offices, Narcotics Investigations Units, Postal Inspectors and K-9 Units are used to acquire information and/or execute search warrants on persons attempting to introduce narcotics into NKSP.

Even with the concerted efforts of the staff involved in these interdiction efforts, inmates will still attempt to introduce narcotics into NKSP. Because these inmates continue their illegal activities, these interdiction methods are constantly being modified and new tools are being explored to ensure that our interdiction goals are met.

EDUCATION AND WORK PROGRAMS

- **What educational and what vocational opportunities exist at your facility? What hours do they operate, in which yards, and over what length of time? Is there a waiting list for these programs? If so, how long is it? What programs have been eliminated or downsized in the last twelve months?**
- *Currently at NKSP we have English as a Second Language (ESL), Adult Basic Education (ABE) II/III, and Re-Entry programs.*

All programs operate from 0730 – 1430 hours and are located on Facility A. The Re-Entry Program also operates on Facility E.

There is a waiting list for ABE II/III. Currently there are 51 on the ABE I waiting list and 96 on the ABE II waiting list.

Five vocational programs; Mill & Cabinet, Landscaping, Upholstery, Auto Body, and Auto Mechanics have been eliminated within the last 12 months.

- **Have you instituted the new “Bridging Program” to provide education to inmates in reception centers who await permanent assignment to Institutions? If so, what is your view of how it is working?**
- *Yes, we operate the Bridging program. It is working well except that the computers for Inmate Assignment needs to be upgraded to a faster speed. The current program is too slow to keep pace with the Bridging Program assignments.*

This program works for those inmates who are motivated to work somewhat independently. I have seen evidence of inmates studying together, and assisting each other in the RC.

I only have two major concerns: The recruitment of teachers is difficult. Wasco State Prison-Reception Center and NKSP are working together to test and hire all locally interested parties, however, we have a total of 85 plus teacher vacancies currently. Thirty of these are at NKSP.

I also have a concern with the written material that is being given to the inmates. I have personally read the material. Our average reading level is between third and fourth grade. I have concern that the material is too difficult for many inmates to comprehend.

- **Are you making use of video instruction or distance learning?**
 - *Yes, the Correctional Learning Network has recently been activated. We are in the process of providing orientation to the level three population. As stated above, I am also pursuing college education programs similar to those at Ironwood State Prison.*
- **What work programs exist at your facility, including Prison Industry Authority? What hours do they operate and over what length of time? Is there a waiting list for these programs? If so, how long is it? How many employees are employed in work programs?**
 - *NKSP does not have any PIA programs available for inmates. As construction is approved on grounds, the Inmate Day Labor program utilizes Level III and/or Level I inmates as needed. These opportunities are sporadic and only use small groups of inmates at a time.*
- **What percentages of the inmates at your institution participate in educational, vocational, and work programs? (Please specify a percentage for each). Please provide a breakdown by race and custody level.**
 - *Eighty-Four percent (84%) of our General Population (Level I and III) inmates' participate in educational, and work programs. However, all vocational programs at NKSP have been eliminated.*

The ethnic breakdown is as follows:

<i>Ethnic</i>	<i>Percentage</i>
<i>Caucasian</i>	<i>16%</i>
<i>African-American</i>	<i>40%</i>
<i>Hispanic</i>	<i>43%</i>
<i>Other</i>	<i>1%</i>

As of April 22, 2004, there are a total of 831 inmate assignments available statistical information is as follow:

Number of Assigned inmates	Custody Level	Percentage
356	Med A	45%
21	Med B	2.5%
1	Min A	.001%
332	Min B	42%
11	Close A	1.3%
70	Close B	8.8%
Total		
791		

Due to fluctuations in population there are currently 40 inmate assignments that are no filled.

- **What work programs are available for life term inmates? What are the limits on job pay numbers for lifers, and what can be done to expand the jobs available to these inmates? If there are security concerns, do these respond to a statewide policy or are they institution based?**
- *Inmates with life terms can work anywhere inside the fence at NKSP. Lifers who have Close B custody can work anywhere inside the fence except near loading docks and only on second watch. Lifers who have Close A custody can only work on Facility A during second watch. Academic programs available are ESL, ABE I & ABEII/III. Programs for life term inmates are: yard crews, kitchen crews, culinary crews, plant operations, clerks, porter/janitors, and barbers, with aforementioned restrictions.*

There are no limits on pay numbers for lifers. Lifers are restricted to jobs for their custody level. Recommendation to expand these jobs would be to move the Close Custody inmates to a prison that can support jobs for their custody levels or drop the restriction for close custody inmates that can not work near a loading dock.

The security concerns is escape and therefore close custody inmates cannot work near loading docks and can only work on second watch. This is a Statewide Policy.

- **What is the average reading level of your inmates?**
- *The inmates at NKSP read at an average Grade Point Level of 3.2, (third grade level).*
- **Do you feel that your education and/or work programs could be improved? How?**

- *I could reduce the number of inmates on the waiting lists if I was given back the positions that I have lost over the past year. I am currently three academic instructors short for mainline programs. The vocational programs have been deleted entirely from NKSP.*

HEALTH CARE

- **In your opinion, what is the role of a warden in ensuring that health care is being provided in an appropriate and cost-effective manner?**
- *As the Warden, I am ultimately responsible for all inmates under my charge at NKSP. I am able to monitor the access to care via the CDC-602/1824, various ducat/appointment tracking documents, Inmate Advisory Committee meetings, staff rosters pertaining to medical transports and treatment.*

As a RC, NKSP receives inmates primarily from Los Angeles County. We provide diagnostic services and treatment for any condition that is detected. We endeavor to provide continuity of care to the inmates from the time they arrive here to when they are endorsed to their permanent institution. At times this is extremely costly, as the inmates arrive from the County Jail system in a very debilitating state. As the Warden, it is imperative that the Health Care Manager/Chief Medical Officer and I communicate effectively and continually regarding all aspects of the health care delivery system.

My budget analyst provides me with monthly reports on the costs associated with the medical and mental health care costs for the inmates at NKSP. To the greatest extent possible we control costs whenever and wherever possible.

- **What are the current problems or difficulties that challenge health care delivery at NKSP currently?**
- *There are numerous problems and difficulties that challenge our health care delivery system at NKSP. However, some of our biggest obstacles are as follows:*

There is a lack of medical information for inmates that arrive here from county jails. This causes many complex and costly medical problems.

The intricacies involved in inmate/patient placement (Medical and Mental Health) are numerous. There are many inmates whom have multiple diagnosis, making them very difficult to place, both at NKSP and to their institution on a permanent basis.

- **Are any steps being taken to improve the medical appeals process? How do you track appeals at the informal level? Who is responsible for medical appeals?**

➤ *The medical appeals process is continually evolving, and being improved whenever obstacles are met or when it is apparent that the current process is not working. Recently, a medical appeals training session was completed and videotaped by Health Care Services Division for all Medical Department staff to view. Although all staff have not completed this training, the training will be on going. I have reviewed a Power-point presentation as has the Health Care Manager (a). It provides an overview on the medical appeals process.*

Currently, the lists that are generated for medical appeals that are due soon, or that are overdue, are being sent out more frequently to all staff and areas with outstanding appeals to promote the prompt completion and return of the medical appeals.

All Medical Department staff are responsible for the medical appeals and the medical appeals process. The Medical Appeals Coordinator, is responsible for receiving and logging in every appeal related to the Medical Department and then assigning them to the appropriate area or staff to answer. It is then the responsibility of each staff person or area to review the appeal and evaluate or interview the inmate prior to the due date and return the answered appeals to the Medical Appeals Coordinator for completion of the process and distribution.

- **Do you have inmates who are housed in your hospital beds who might more appropriately be housed in a skilled nursing facility? If so, approximately how many?**

➤ *Currently we have three total-care patients who are being housed in a local hospital. Two are in a vegetative state, one needs physical therapy and is not medically able to be transported as often as necessary. We have had as many as four inmates in our infirmary hospital beds that require long-term care.*

- **What is your institution's policy on charging for co-pays? What constitutes a follow-up visit?**

➤ *At NKSP we have developed our medical co-payment system in accordance with Department policy as directed in Administrative Bulletin 94/11 (AB 94/11). All pertinent information from AB 94/11 has been adopted into our local operational procedure 179, (Health Care Screening and Co-Payment program).*

Non-chargeable co-payments are those that are usually initiated by medical staff, these types of medical visits are considered follow-up visits.

- **When inmates arrive from other prisons, what is your policy regarding medication prescribed at other prisons? With regard to "chronos" that have been issued at other prisons? When you transfer inmates to other prisons, do you send prescribed medication information with them?**

- *The medication orders from the "sending" institution are honored at NKSP and are effective until such time as the inmate is evaluated by an NKSP physician and new orders written or until the order expires UNLESS the inmate is to be assigned to the Correctional Treatment Center (CTC). If the Inmate is housed in the CTC then new orders are written upon admission.*

When NKSP transfers inmates to another institution the medication profile generated by the pharmacy is being sent with each inmate. The medications themselves are not presently being sent. NKSP pharmacy individualizes all its medication fills so the task is really an Medical Technical Assistant (MTA) function. The medications have to be gathered up at each of the yard medical clinics and packaged with the Medical Report to go with the inmate.

- **Does your institution have difficulties recruiting adequate medical staff? Is do, what steps have you taken to remedy this problem?**

- *Currently we have no recruiting problems, although we do have a shortage of psychiatry applicants. We continue to utilize every advertising method available. Besides using the Newspaper, Internet, and word of mouth, we arrange for tours of the institution for medical students attending local colleges and medical specialty schools. We have been somewhat successful with these recruitment approaches.*

- **How often do you meet with the health care manager and/or chief medical officer? How do you promote collaboration between correctional and healthcare staff? Is there a specific person responsible for coordinating issues involving both custody and health care?**

- *Every Monday, Wednesday and Friday, plus a Supervisors meeting, involving all managers on a weekly basis. The HCM and I meet as often as necessary; many times multiple times per day.*

Communication of each other's needs, and collaboration to achieve a common goal, which is accomplished by impromptu communications as well as a weekly meeting between custody, and medical staff makes the relationship work well.

Yes, there are specific people who are designated to coordinate issues between medical and custody, with allowance to involve anyone pertinent to the communications effort. We have not been "rolled Out" on Plata. When we are, I understand we will get additional staff to assist this effort.

- **What health care personnel are available to your inmates? Who evaluates an inmate's need for medical, dental and mental health care and what is the average wait for non-emergency care?**

➤ *MTA's are in the housing units twice daily. The inmates are directed to fill out a sick-call slip for non-emergent issues. The inmates are then screened by an MTA or RN, and then seen by the doctor at the next available appointment time on a medical priority basis. All slips are reviewed within 24 hours. The average wait time for non-emergency care is 24 hours.*

- What mental health treatment is available at your institution? How many slots are available and is there a waiting list for these treatment services?

➤ While Mental Health assessment and treatment is initiated here, we currently have a census of approximately 225 plus permanent inmates participating in the Correctional Clinical Case Management Services program. We accept on many occasions acute Mental Health transfers from institutions whose acute mental problem census is greater than their treatment capacity. There are 901 inmates in the Correctional Clinical Case Management Services Program at NKSP. We regularly have approximately 50 inmates assigned to the Enhanced Out Patient program. There is no waiting list however, inmates are seen in accordance to the seriousness of their issues.

- Are priority ducats issued to inmates in need of medical and dental care so that they can be seen throughout the day? What are the specific hours that inmates are seen for routine medical and dental care?

➤ *Yes, all Medical and Dental visits are considered priority ducats, this ensures that all inmates can be seen throughout the day with little or no problems.*

For routine medical and dental care clinics are usually open from 8:30 to 11:30 a.m. and urgent visits scheduled after diagnostics on the RC yards.

- **What is the “no-show” rate for healthcare clinics? What steps have you taken to assure that inmates keep their scheduled medical appointments?**

➤ On duty nurses review the medical appointment schedule and will contact the correctional supervisors of the area where the inmate is located if the inmate is a "no-show". The no-show rate is very low. All medical requests are screened daily and prioritized in accordance with the seriousness of the illness. Emergencies medical requests are accepted from all staff and inmates.

- **What is your medical budget? Who negotiates and handles your medical contracts?**

➤ *Medical Budget 03/04* *Allotment \$26,018,150.*

Projection \$24,760,000.

Service and Expense orders are generated at the local level, going to the lowest bidder, annual limit \$499.99. Contracts are handled by Institution Services Contracts Section.

- **What is the average wait for medical and dental care? Are any physicians or dentists on prolonged leave for any reason including military leave?**
- *All emergency medical and dental are seen within the same day. Non-emergencies are handled through a ducating system, where inmates are scheduled for medical treatment on a daily basis.*

LAW LIBRARY

- **What is your policy regarding the searching of inmates' material in the law library? What is subject to confiscation?**
- *Inmates are patted down prior to entry to the legal law library. Any non-legal items considered contraband are confiscated. Legal paperwork is visually scanned for inappropriateness only.*
- **When is the law library open? If the library is closed on specific days, how do inmates access it if those days are inmates' days off? What is the charge for copies?**
- *The RC Law Library is open Monday – Friday, 0830 – 1430 hours. The Mainline Law Library is open Tuesday & Wednesday, 1130 – 2000 hours and Thursday – Saturday, 0900 – 1530 hours to accommodate inmates who work during the day. The price for copies is ten cents (10¢) per page.*

LITIGATION AND SPECIAL PROBLEMS

- **Please provide the committee with a list of the following: (1) all pending litigation in which you or your institution is named; (2) any judgments or settlements against you or your institution since you have been Warden; and (3) any existing court orders involving your institution. Please comment on any litigation that has been given a court date, all judgments or settlements, and the status of any court orders.**
- *(See Litigation and Special Problems Attachment A, Litigation monthly report for March 2004)*
- **How may EEO complaints has your institution received in the past two years? How many of them have been resolved?**

- *In the past 2 years the Institution has received 59 EEO complaints. Of these, 39 were formal complaints and 32 of them have been resolved. The Institution received 20 complaints that were supervisory, not deemed as EEO; all of these have been resolved.*
- **Are there any special problems you care to share with the committee? Are there any events in your past that the committee might regard as relevant to the confirmation process that you have not commented on elsewhere?**
- *I have no special problems that the committee is unaware of, nor are there any events that I feel relevant to the confirmation process.*

POSITION		CLASSIFICATION		ESTABL.		ESTABL.		WORK		COMMENTS		PY	VACANT
NUMBER	TITLE	DATE	AUTHORITY	AREA									
182-201-1139-001	OFFICE TECH (T)	03/01/93	Design Ph.I	AW-Supv Svcs				M. Smith - 24 Mo. LT				1.00	03/02/04
182-201-1379-013	OFFICE ASST (T)	01/01/95	RC Design Ph. I&II, FD Ratio	RC FAC D				Vacant - Chavez				1.00	03/31/04
182-201-9646-004	FACILITY CAPTAIN	01/01/95	RC Design Ph. I & II FB	FAC B				Vacant Felske, LT 12 Mo.				1.00	10/21/03
182-201-9650-002	CORR CAPTAIN	03/01/93	Design Ph.I	Capt's Office				Vacant - Tann				1.00	01/21/04
182-201-9656-027	CORR LIEUTENANT	07/01/03	UBSL Caesar Chavez	Security				67 added from 03/04 I/M BCP				0.80	07/01/03
182-201-9656-028	CORR LIEUTENANT	12/02/03	03/04 I/M Security Plan BCP	Security								1.00	12/02/03
182-201-9659-008	CORR SERGEANT	03/01/93	Design Ph.I	Security				Vacant Sanchez				1.00	10/21/03
182-201-9659-019	CORR SERGEANT	03/01/93	Design Ph.I	Security				24 Mo. LT - Rote				1.00	03/07/04
182-201-9659-031	CORR SERGEANT	03/01/93	Design Ph.I	I.S.U.				24 Mo. LT - Hale				1.00	03/01/04
182-201-9659-051	CORR SERGEANT	10/01/93	FB 140%, D 190%	I.S.T.				Vacant - Hawkins				1.00	01/11/04
182-201-9659-058	CORR. SERGEANT			Security				Pend. Reclass to SSM I				0.10	07/01/03
182-201-9659-065	CORR SERGEANT	07/01/03	UBSL Increased Relief BCP	Security								0.34	07/01/03
182-202-9662-142	CORR OFFICER	05/01/94	FB 190% O/C	Security				60 Lost to 16% Reduction				0.40	12/01/03
182-211-2183-001	CORR SUPV COOK	03/01/93	Design Ph.I	Food Service				Retired Hopkins				1.00	08/31/03
182-211-2183-025	CORR SUPV COOK	12/01/93	FC 140% O/C	Food Service				Vacant - Aragon				1.00	02/10/04
182-211-2183-036	CORR SUPV COOK	07/01/03	UBSL Caesar Chavez	Food Service								0.14	07/01/03
182-211-5480-001	SUPV CORR COOK, DOC	07/01/97	Design Ph.I	Food Service				Vacant - Taylor				1.00	07/28/03
182-211-5480-004	SUPV CORR COOK,DOC	01/01/98	FC 200% O/C	Food Service								0.10	04/01/02
182-213-2183-004	SUPERVISING COOK I	11/01/02	CTC LICENSING	Medical				Approved 607 #017				0.30	11/01/02
182-213-4912-001	CHSA, II	01/01/04	IMSP Program	Medical								1.00	01/01/04
182-213-7981-002	PHARMACIST II	07/01/02	Design Ph.I	Medical				607 #009 to CMO pend. BMB				1.00	07/01/02
182-213-8217-028	MED TECH ASST	01/01/95	FC 160% O/C	Medical				Vacant - Florez (647 #2184)				0.40	02/08/03
182-213-8217-032	MED TECH ASST	07/01/03	UBSL Caesar Chavez	Medical								0.09	07/01/03
182-213-9269-001	PHYSICIAN & SRGN, CF	06/15/93	Design Ph.I -Ratio	Medical				Pend reclass to Chief PhysSurg 607#038				1.00	10/01/03
182-213-9275-014	REGISTERED NURSE, CF	10/31/02		Medical				Reclass frm Nurse Instr. 607#026				1.00	10/31/02
182-213-9275-024	REGISTERED NURSE, CF	01/01/98	FC 200% O/C	Medical				Vacant - (647 #2448)				1.00	04/01/02
182-213-9275-034	REGISTERED NURSE,CF	01/01/03	I/M Med Serv Prog (PLATA)	Medical				Vacant - Pinol				1.00	11/30/03
182-213-9275-035	REGISTERED NURSE,CF	01/01/03	I/M Med Serv Prog (PLATA)	Medical								0.53	01/01/03
182-213-9275-036	REGISTERED NURSE, CF	07/01/03	UBSL Caesar Chavez	Medical								0.05	07/01/03
182-213-9318-001	SUPV REG NURSE II, CF	12/01/95	MHSDS	Medical				Vacant F. Hughes / See 647#2444				1.00	05/09/03
182-216-6713-005	STATIONARY ENGINEER	03/01/93	Design Ph.I	Plant Ops.				D. Parks - Retired				1.00	02/17/04
182-220-1139-005	OFFICE TECH (T)	07/01/01	CCCMS Staff Capacity	Psych				Pending 607 to trans. PY to unit 213				0.50	05/31/02
182-220-1139-006	OFFICE TECH (T)	11/01/03	03/04 "Prev-Mix"	Psych								0.50	11/01/03
182-220-9272-002	STAFF PSYCHIATRIST	07/01/95	MHCB	Psych				Vacant 607 #040 to Chief Psychiatrit				0.50	05/31/02
182-220-9272-008	STAFF PSYCHIATRIST	07/01/01	Prevalence Mix	Psych.				Vacant 607 #040 to Chief Psychiatrit				0.50	08/29/02
182-220-9275-002	REGISTERED NURSE, CF	07/01/95	MHCB	Psych				Woods-Mesa, Retired				1.00	03/12/03
182-220-9283-016	PSYCHOLOGIST, CLINICAL	12/01/99	Prevalence Mix	Psych								0.50	12/28/03
182-220-9283-019	PSYCHOLOGIST, CLINICAL	11/01/03	03/04 Prev. Mix	Psych								1.00	11/01/03
182-220-9286-002	REC. THERAPIST, CF	11/01/02		Psych								1.00	11/01/02
182-222-9904-054	CORR COUNSELOR I	11/07/03	Tx of Sex. Violent Predator	Classification				Approved 607 #019 (647 #2202)				1.00	11/07/03
182-223-1146-001	CORR CASE REC MGR	03/01/93	Design Ph.I	Records				Wight-Retired				1.00	12/18/03

POSITION NUMBER	CLASSIFICATION TITLE	ESTABL. DATE	ESTABL. AUTHORITY	WORK AREA	COMMENTS	PY	VACANT
182-223-1148-003	OFFICE SVC SUPV I (T)	01/01/95	FB 190% O/C	Records	Hinojosa, N.	1.00	02/02/04
182-223-1148-004	OFFICE SVC SUPV I (T)	01/01/95	FD 190% O/C	Records	Mendoza- Retired	1.00	09/30/03
182-223-1181-001	WORD PROC TECH	03/01/93	Design Ph.I	Records	Vacant- Salim - 24 Mo. LT	1.00	02/16/04
182-223-1181-005	WORD PROC TECH	01/01/95	Design Ph.II -Ratio	Records	Vacant Dahlig / See 647 #2451	1.00	07/01/03
182-223-1181-006	WORD PROC TECH	01/01/95	FC 140% O/C	Records	Vacant Rabanal	1.00	11/11/03
182-223-1379-002	OFFICE ASST (T)	03/01/93	Design Ph.I -Ratio	Records	Vacant - M. Gonzales	1.00	03/07/04
182-223-1379-009	OFFICE ASST (T)	01/01/95	Design Ph.II -Ratio	Records	Steward - 24 Months, LT	1.00	12/14/03
182-223-1379-016	OFFICE ASST (T)	01/01/95	Design Ph.II -Ratio	Records	Vacant - H. Nunez	1.00	02/02/04
182-223-1379-025	OFFICE ASST (T)	01/01/95	FB, C, D 140% O/C -Ratio	Records	Vacant 24 Mo. LT- Crawford	1.00	03/14/04
182-223-1379-028	OFFICE ASST (T)	01/01/95	FB, C, D 140% O/C -Ratio	Records	Vacant - Medina	1.00	03/14/04
182-223-1379-031	OFFICE ASST (T)	07/01/97	97/98 Ratio Dist	Records	Vacant Harrison - 24 Mo. LT	1.00	03/02/04
182-223-1379-033	OFFICE ASST (T)	07/01/97	97/98 Ratio Dist	Records	Vacant - Armendariz	1.00	02/16/04
182-223-1379-036	OFFICE ASST (T)	07/01/97	97/98 Ratio Dist	Records	Vacant - Saldana, 24 Mo. LT	1.00	02/16/04
182-223-1379-040	OFFICE ASST (T)	07/01/03	Reallocation from VSPW	Records		1.00	07/01/03
182-223-1379-041	OFFICE ASST (T)	07/01/03	Reallocation from VSPW	Records		1.00	07/01/03
182-223-1379-042	OFFICE ASST (T)	07/01/03	Reallocation from VSPW	Records		1.00	07/01/03
182-223-1441-001	OFFICE ASST (G)	11/01/93	FA 140% & 190% O/C -Ratio	Records	Vacant - Hooks	1.00	03/02/04
182-223-1441-010	OFFICE ASST (G)	01/01/95	FB, D 190% & C 160% O/C -Ratio	Records	Vacant Armendariz	1.00	04/07/03
182-223-1441-014	OFFICE ASST (G)	01/01/95	FB, D 190% & C 160% O/C -Ratio	Records	Perez - retired	1.00	07/06/03
182-223-9927-001	PROG TECH	10/01/93	Design Ph.I	Records	L.T. - Wright	1.00	08/18/03
182-231-2287-811	TEACHER (ELEM)	07/01/01	TABE	Education	Vacant-Weiss	1.00	04/08/03
182-235-2290-012	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-013	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-014	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-015	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-016	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-017	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-018	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-019	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-020	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-021	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-022	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-023	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-024	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-025	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-026	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-027	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-028	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-029	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-030	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-031	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04

POSITION NUMBER	CLASSIFICATION TITLE	ESTABL. DATE	ESTABL. AUTHORITY	WORK AREA	COMMENTS	PY	VACANT
182-235-2290-032	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-033	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-034	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-035	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-036	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-037	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-038	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-039	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-040	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-041	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2305-003	SUPV. ACAD. INST. CF.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2305-004	SUPV. ACAD. INST. CF.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-261-1379-014	OFFICE ASST (I)	07/01/98	FC 160% O/C	H&S	Rhea transferred to unit 211	1.00	01/01/04
182-261-1508-001	M&SS I	03/01/93	Design Ph.I	Warehouse	Vacant D. Sanchez to 902	1.00	01/12/04
182-261-4180-003	ACCOUNTANT I, SUPV	09/01/97	FC 140% O/C	Accounting	EE ext IDL - Pend Reclass	1.00	03/01/04
182-261-5160-001	PERS TECH I	03/01/93	Design Ph.I	Personnel	Vacant - Sadoy	1.00	12/31/03
182-800-1733-002	ACCOUNT CLERK II	04/01/93	Design Ph.II -Ratio	Accounting	Tannenbaum - Retired	1.00	02/17/04
183-700-1576-001	PRISON CANTEEN MGR II	03/01/93	Design Ph.I	Canteen/IWWF	Langford/Nicholas - Pend. Perm hire	1.00	12/19/03
					TOTAL VACANCIES	89.75	08/05/03

POSITION NUMBER	CLASSIFICATION	ES/ABL	DATE	ES/ABL	AUTHORITY	WORK AREA	COMMENTS	PY	VACANT
182-201-1139-001	OFFICE TECH (T)	Pend	03/01/93	Design Ph.I	AW-Supv Svcs		M. Smith - 24 Mo. LT	1.00	03/02/04
182-201-1379-013	OFFICE ASST (T)	FIE	01/01/95	RC Design Ph. I&II, FD Ratio	RC FAC D		Vacant - Chavez	1.00	03/31/04
182-201-9646-004	FACILITY CAPTAIN		01/01/95	RC Design Ph. I & II FB	FAC B		Vacant Felske, LT 12 Mo.	1.00	10/21/03
182-201-9650-002	CORR CAPTAIN		03/01/93	Design Ph.I	Capt's Office		Vacant - Tann	1.00	01/21/04
182-201-9656-027	CORR LIEUTENANT	Frac PY	07/01/03	UBSL Caesar Chavez	Security		.67 added from 03/04 IM BCP	0.80	07/01/03
182-201-9656-028	CORR LIEUTENANT		12/02/03	03/04 IM Security Plan BCP	Security			1.00	12/02/03
182-201-9659-008	CORR SERGEANT		03/01/93	Design Ph.I	Security		Vacant Sanchez	1.00	10/21/03
182-201-9659-019	CORR SERGEANT		03/01/93	Design Ph.I	Security		24 Mo. LT - Role	1.00	03/07/04
182-201-9659-031	CORR SERGEANT		03/01/93	Design Ph.I	I.S.U.		24 Mo. LT - Hale	1.00	03/01/04
182-201-9659-051	CORR SERGEANT		10/01/93	FB 140%, D 190%	I.S.T.		Vacant - Hawkins	1.00	01/11/04
182-201-9659-058	CORR. SERGEANT				Security		Pend. Reclass to SSM I	0.10	07/01/03
182-201-9659-065	CORR SERGEANT		07/01/03	UBSL Increased Relief BCP	Security			0.34	07/01/03
182-202-9662-142	CORR OFFICER		05/01/94	FB 190% O/C	Security		.60 Lost to 16% Reduction	0.40	12/01/03
182-211-2183-001	CORR SUPV COOK		03/01/93	Design Ph.I	Food Service		Retired Hopkins	1.00	08/31/03
182-211-2183-025	CORR SUPV COOK		12/01/93	FC 140% O/C	Food Service		Vacant - Aragon	1.00	02/10/04
182-211-2183-036	CORR SUPV COOK		07/01/03	UBSL Caesar Chavez	Food Service			0.14	07/01/03
182-211-5480-001	SUPV CORR COOK, DOC		07/01/97	Design Ph.I	Food Service		Vacant - Taylor	1.00	07/28/03
182-211-5480-004	SUPV CORR COOK, DOC		01/01/98	FC 200% O/C	Food Service			0.10	04/01/02
182-213-2183-004	SUPERVISING COOK I,		11/01/02	CTC LICENSING	Medical		Approved 607 #017	0.30	11/01/02
182-213-4912-001	CHSA, II	Not Pending	01/01/04	IMSP Program	Medical			1.00	01/01/04
182-213-7981-002	PHARMACIST II		07/01/02	Design Ph.I	Medical		607 #009 to CMO pend. BMB	1.00	07/01/02
182-213-8217-028	MED TECH ASST	Frac	01/01/95	FC 160% O/C	Medical		Vacant - Florez (647 #2184)	0.40	02/08/03
182-213-8217-032	MED TECH ASST	014	07/01/03	UBSL Caesar Chavez	Medical			0.09	07/01/03
182-213-9269-001	PHYSICIAN & SRGN, CF		06/15/93	Design Ph.I -Ratio	Medical		Pend reclass to Chief PhysSurg 607#038	1.00	10/01/03
182-213-9275-014	REGISTERED NURSE, CF		10/31/02	FC 200% O/C	Medical		Reclass frm Nurse Instr. 607#026	1.00	10/31/02
182-213-9275-024	REGISTERED NURSE, CF		01/01/98	FC 200% O/C	Medical		Vacant - (647 #2448)	1.00	04/01/02
182-213-9275-034	REGISTERED NURSE, CF		01/01/03	I/M Med Serv Prog (PLATA)	Medical		Vacant - Pinol	1.00	11/30/03
182-213-9275-035	REGISTERED NURSE, CF		01/01/03	I/M Med Serv Prog (PLATA)	Medical			0.53	01/01/03
182-213-9275-036	REGISTERED NURSE, CF		07/01/03	UBSL Caesar Chavez	Medical			0.05	07/01/03
182-213-9318-001	SUPV REG NURSE II, CF		12/01/95	MHSDS	Medical		Vacant F. Hughes / See 647#2444	1.00	05/09/03
182-216-6713-005	STATIONARY ENGINEER		03/01/93	Design Ph.I	Plant Ops.		D. Parks - Retired	1.00	02/17/04
182-220-1139-005	OFFICE TECH (T)		07/01/01	CCCMS Staff Capacity	Psych		Pending 607 to trans. PY to unit 213	0.50	05/31/02
182-220-1139-006	OFFICE TECH (T)		11/01/03	03'04 "Prev-Mix"	Psych			0.50	11/01/03
182-220-9272-002	STAFF PSYCHIATRIST		07/01/95	MHCB	Psych		Vacant 607 #040 to Chief Psychiatrit	0.50	05/31/02
182-220-9272-008	STAFF PSYCHIATRIST		07/01/01	Prevalence Mix	Psych.		Vacant 607 #040 to Chief Psychiatrit	0.50	08/29/02
182-220-9275-002	REGISTERED NURSE, CF		07/01/95	MHCB	Psych		Woods-Mesa, Retired	1.00	03/12/03
182-220-9283-016	PSYCHOLOGIST, CLINICAL		12/01/99	Prevalence Mix	Psych			0.50	12/28/03
182-220-9283-019	PSYCHOLOGIST, CLINICAL		11/01/03	03/04 Prev. Mix	Psych			1.00	11/01/03
182-220-9286-002	REC. THERAPIST, CF		11/01/02		Psych		Approved 607 #019 (647 #2202)	1.00	11/01/02
182-222-9904-054	CORR COUNSELOR I		11/07/03	Tx of Sex. Violent Predator	Classification			1.00	11/07/03
182-223-1146-001	CORR CASE REC MGR		03/01/93	Design Ph.I	Records		Wight-Retired	1.00	12/18/03

Staffing Attachment B

POSITION NUMBER	CLASSIFICATION TITLE	ESTABL. DATE	ESTABL. AUTHORITY	WORK AREA	COMMENTS	PY	VACANT
182-223-1148-003	OFFICE SVC SUPV I (T)	01/01/95	FB 190% O/C	Records	Hinojosa, N.	1.00	02/02/04
182-223-1148-004	OFFICE SVC SUPV I (T)	01/01/95	FD 190% O/C	Records	Mendoza - Retired	1.00	09/30/03
182-223-1181-001	WORD PROC TECH	03/01/93	Design Ph.I	Records	Vacant- Salim - 24 Mo. LT	1.00	02/16/04
182-223-1181-005	WORD PROC TECH	01/01/95	Design Ph.II -Ratio	Records	Vacant Dahlig / See 647 #2451	1.00	07/01/03
182-223-1181-006	WORD PROC TECH	01/01/95	FC 140% O/C	Records	Vacant Rabanal	1.00	11/11/03
182-223-1379-002	OFFICE ASST (T)	03/01/93	Design Ph.I -Ratio	Records	Vacant - M. Gonzales	1.00	03/07/04
182-223-1379-009	OFFICE ASST (T)	01/01/95	Design Ph.II -Ratio	Records	Steward - 24 Months, LT	1.00	12/14/03
182-223-1379-016	OFFICE ASST (T)	01/01/95	Design Ph.II -Ratio	Records	Vacant - H. Nunez	1.00	02/02/04
182-223-1379-025	OFFICE ASST (T)	01/01/95	FB, C, D 140% O/C -Ratio	Records	Vacant 24 Mo. LT - Crawford	1.00	03/14/04
182-223-1379-028	OFFICE ASST (T)	01/01/95	FB, C, D 140% O/C -Ratio	Records	Vacant - Medina	1.00	03/14/04
182-223-1379-031	OFFICE ASST (T)	07/01/97	97/98 Ratio Dist	Records	Vacant Harrison - 24 Mo. LT	1.00	03/02/04
182-223-1379-033	OFFICE ASST (T)	07/01/97	97/98 Ratio Dist	Records	Vacant - Armendariz	1.00	02/16/04
182-223-1379-036	OFFICE ASST (T)	07/01/97	97/98 Ratio Dist	Records	Vacant - Saldana, 24 Mo. LT	1.00	02/16/04
182-223-1379-040	OFFICE ASST (T)	07/01/03	Reallocation from VSPW	Records		1.00	07/01/03
182-223-1379-041	OFFICE ASST (T)	07/01/03	Reallocation from VSPW	Records		1.00	07/01/03
182-223-1379-042	OFFICE ASST (T)	07/01/03	Reallocation from VSPW	Records		1.00	07/01/03
182-223-1441-001	OFFICE ASST (G)	11/01/93	FA 140% & 190% O/C -Ratio	Records	Vacant - Hooks	1.00	03/02/04
182-223-1441-010	OFFICE ASST (G)	01/01/95	FB, D 190% & C 160% O/C -Ratio	Records	Vacant Armendariz	1.00	04/07/03
182-223-1441-014	OFFICE ASST (G)	01/01/95	FB, D 190% & C 160% O/C -Ratio	Records	Perez - retired	1.00	07/06/03
182-223-9927-001	PROG TECH	10/01/93	Design Ph.I	Records	L. T. - Wright	1.00	08/18/03
182-231-2287-811	TEACHER (ELEM)	07/01/01	TABE	Education	Vacant-Weiss	1.00	04/08/03
182-235-2290-012	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-013	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-014	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-015	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-016	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-017	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-018	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-019	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-020	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-021	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-022	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-023	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-024	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-025	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-026	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-027	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-028	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-029	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-030	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-031	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04

pending 13 boxes

replacements
difficult

POSITION NUMBER	CLASSIFICATION TITLE	ESTABL. DATE	ESTABL. AUTHORITY	WORK AREA	COMMENTS	PY	VACANT
182-235-2290-032	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-033	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-034	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-035	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-036	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-037	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-038	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-039	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-040	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2290-041	TEACHER, HS/GEN ED.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-235-2305-003	SUPV. ACAD. INST. CF.	01/01/04	Bridging Program	Education	Spending Director's hire	1.00	01/01/04
182-235-2305-004	SUPV. ACAD. INST. CF.	01/01/04	Bridging Program	Education		1.00	01/01/04
182-261-1379-014	OFFICE ASST (T)	07/01/98	FC 160% O/C	H&S	Reflea transferred to unit 211	1.00	01/12/04
182-261-1508-001	M&SS I	03/01/93	Design Ph.I	Warehouse	Vacant D. Sanchez to 902	1.00	03/01/04
182-261-4180-003	ACCOUNTANT I, SUPV	09/01/97	FC 140% O/C	Accounting	EE ext IDL - Pend Reclass	1.00	12/31/03
182-261-5160-001	PERS TECH I	03/01/93	Design Ph.I	Personnel	Vacant - Sadoy	1.00	02/17/04
182-800-1733-002	ACCOUNT CLERK II	04/01/93	Design Ph.II -Ratio	Accounting	Tannenbaum - Retired	1.00	12/19/03
183-700-1576-001	PRISON CANTEEN MGR II	03/01/93	Design Ph.I	Canteen/IWF	Langford/Nicholas - Pend. Perm hire	1.00	08/05/03
TOTAL VACANCIES						89.75	

DEPARTMENT OF CORRECTIONS
NORTH KERN STATE PRISON
TOTAL LEAVE CREDITS USED RELATING TO SICK LEAVE
BY ALL STAFF
JANUARY - JUNE 2003
DATA AS OF 07/26/2003

	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
SICK SELF	6,447.75	6,854.75	6,838.25	7,365.00	6,465.50	7,310.50	41,681.75
SICK FAMILY	1,467.75	1,843.25	1,595.00	1,764.75	1,562.75	1,697.75	9,931.25
SICK DEATH	-	-	-	-	-	-	-
SICK FMLA	990.75	603.50	734.50	1,134.75	1,143.00	819.50	5,416.00
SK PAM 109	145.00	411.00	441.25	334.75	303.50	169.50	1,805.00
PEND IDL	189.00	137.50	87.25	223.75	100.00	294.50	1,032.00
PEND TD	-	-	-	-	-	-	-
PEND NOI	-	-	-	-	-	-	-
WAIT PER	-	-	-	-	-	8.00	8.00
SUPP IDL	88.00	72.00	64.00	34.00	42.00	70.25	370.25
SUPP TD	56.00	48.00	40.00	48.00	56.00	48.00	296.00
SUPP NOI	-	-	-	-	-	-	-
I/LIU S/SP	3,175.58	3,589.68	3,129.50	3,133.20	3,151.13	2,816.83	18,995.92
I/LIU S/PM	163.50	340.75	441.00	380.50	292.75	534.25	2,152.75
I/LIU FMLA	922.50	705.50	423.50	824.50	452.50	485.25	3,813.75
PAM LV 109	64.00	140.25	186.00	130.50	167.00	-	687.75
TOTAL	13,709.83	14,746.18	13,980.25	15,363.70	14,136.13	14,254.33	86,190.42

CATALOGED AS: TOTSLHRS
REPORT TITLE: TOTSLHRS
REPORT RUN ON: 07/28/03

DEPARTMENT OF CORRECTIONS
NORTH KERN STATE PRISON

TOTAL LEAVE CREDITS USED RELATING TO SICK LEAVE

BY ALL STAFF
JULY - DECEMBER 2003
DATA AS OF 01/31/2004

	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
SICK SELF	6,913.75	7,096.42	7,322.38	7,101.08	7,017.35	7,712.35	43,163.53
SICK FAMILY	1,882.83	1,940.50	1,775.25	2,004.00	1,725.75	2,203.25	11,531.58
SICK DEATH	896.25	1,405.00	848.75	715.50	701.00	630.25	5,196.75
SICK FMLA	306.00	304.00	165.00	227.25	187.00	250.00	1,440.25
SR FAM 109	170.50	117.50	148.75	371.00	64.00	41.00	708.75
PEND IDL	-	-	-	-	-	-	-
PEND TD	-	-	-	-	-	-	-
PEND NDI	8.00	-	8.00	-	-	-	16.00
WAIT PER	61.00	26.00	51.00	61.00	78.00	45.00	322.00
SUPP IDL	124.75	111.00	64.00	56.00	64.00	72.00	491.75
SUPP TD	-	-	-	-	-	-	-
SUPP NDI	-	-	-	-	-	-	-
I/LIBU S/SP	3,166.77	3,313.23	3,284.61	3,338.25	4,110.75	4,502.25	21,715.66
I/LIBU S/PM	691.75	391.75	523.25	489.50	649.75	608.25	3,354.25
I/LIBU FMLA	1,092.50	1,319.74	835.38	641.30	645.00	744.25	5,278.17
FAM LW 109	39.00	91.00	27.00	16.00	28.50	54.00	255.50
TOTAL	15,353.10	16,116.14	15,050.57	14,820.88	15,271.10	16,862.60	93,474.39

CATALOGED AS: TOTSLHRS
REPORT TITLE: TOTSLHRS
REPORT RUN ON: 02/04/04

NORTH KERN STATE PRISON EMPLOYEE RELATIONS OFFICE 2003 ADVERSE ACTION LOG

Log #	Class	Name	Allegation	Disposition	Date Recommendation Sent to Personnel Sacramento	Termination date of LOI, LOR, OR other Adverse Action	Skelly Hearing Date
C-NKSP-015-03	C/O	PANGALDON, CARLOS	MISCONDUCT	NOT SUSTAINED	N/A	N/A	N/A
CC-NKSP-139-03	C/O	PANGALDON	CONDUCT	NOT SUSTAINED	N/A	N/A	N/A
C-NKSP-037-03	MTA	ETHRIDGE, COLLEEN	CONDUCT	NOT ENOUGH EVID. LOR - APA With- drawn on 8-6-03	06-04-03	N/A	08-04-03
C-NKSP-057-03	C/O	FOCKE, SHANE	MISCONDUCT	30 Day Susp. Red. To LOR	04-11-03	06-16-06	06-10-03
C-NKSP-058-03	C/O	PASCUA, NORMAN	MISCONDUCT	30 Calendar Day Suspension-Red to LOR	04-11-03	6-30-05	06-19-03
C-NKSP-083-03	C/O	KEY, NICHOLAS	MISCONDUCT	10% for 12 Mos. Red to LOR	09-10-03	10-31-06	10-29-03
C-NKSP-085-03	CCRS	BURKES, DANYALE	MISCONDUCT	1123 issued on August 8, 2003	N/A	N/A	N/A
C-NKSP-103-03	AW BS	LOPEZ, DELPHINE	INEFFICIENCY	NOT SUSTAINED	N/A	N/A	N/A
C-NKSP-109-03	CAPT.	TANN, MICHAEL	ASSAULT ON STAFF	NOT SUSTAINED	N/A	N/A	N/A
C-NKSP-111-03	LT.	STEADMAN, TERRY	INEXCUSABLE NEGLECT OF DUTY	RED. TO LOI 8-12-03	N/A	N/A	N/A
C-NKSP-143-03	MTA	ETHRIDGE, COLLEEN	MISCONDUCT	10% FOR 12 MOS RED. TO LOR	09-10-03	2-31-06	10-22-03
C-NKSP-150-03	CRM	ALLIANIC, JAN	MISCONDUCT	Currently Being Processed			
C-NKSP-166-03	SCI	POPOY, KYLE	MISCONDUCT	AWOL SEP. ON 02-19-03	N/A	N/A	N/A
C-NKSP-186-03	C/O	KEY, NICHOLAS	MISCONDUCT	DISMISSAL Effective 2-18-04	11-12-03	N/A	2-9-04
C-NKSP-251-03	OA	COLEMAN, TONY	CONDUCT	NOT SUSTAINED	N/A	N/A	N/A

NORTH KERN STATE PRISON EMPLOYEE RELATIONS OFFICE 2003 ADVERSE ACTION LOG

Log #	Class	Name	Allegation	Disposition	Date Recommendation Sent to Personnel Sacramento	Termination date of LOI, LOR, OR other Adverse Action	Skelly Hearing Date
ERO-NKSP-002-03	Teacher	WEISS, PATRICIA	INEFFICIENCY	REJECTION ON PROBATION	02-21-03	Term. Date 04-08-03	NONE SCHEDULED
ERO-NKSP-003-03	C/O	MARISCAL, GEORGE	NEGLECT OF DUTY	5% FOR 12 MOS. Reduced to LOI on 06-04	03-25-03	LOI to removed On 06-05-04	NONE SCHEDULED
ERO-NKSP-004-03	C/O	JOHNSON, KEVIN	FAILURE TO ATTEND 7K	LOR	04-15-03	06-23-06	NONE SCHEDULED
ERO-NKSP-005-03	C/O	BICKNELL, AARON	NEGLECT OF DUTY	LOR - Reduced to LOI 07-01-03	04-15-03	LOI to removed On 06-17-04	06-30-03
ERO-NKSP-006-03	MED. TRANS. Stationary Engineer	BOURQUIN-DICKERSON SHERRI	AWOL	EE brought in Dr.'s Note for days off	N/A	N/A	N/A
ERO-NKSP-007-03	Stationary Engineer	MCGOWAN, JAMES	AWOL - Warning ltr. To ee On 5/9/03 Resig. ltr on 5/12/03	LOI issued on 06-03-03	N/A	05-24-03	Coleman held On 05-14-03
ERO-NKSP-008-03	C/O	BARRAZA, RICARDO	AWOL Warning Ltr. To EE On 05/16/03	AWOL SEP.	N/A	AWOL SEP.	NONE SCHEDULED
ERO-NKSP-009-03	SCC	TAYLOR, DEANNA	MISCONDUCT	Rejection on Probation	06-03-03	N/A	NONE SCHEDULED
ERO-NKSP-010-03	C/O	JOHNSON, KEVIN	AWOL ltr to EE on 06/06/03	AWOL SEP.	N/A	AWOL SEPARATED 7/7/03	NO COLEMAN SCHEDULED
ERO-NKSP-011-03	SCI	CALHOUN, TIMOTHY	AWOL	Resigned	N/A		
ERO-NKSP-012-03	RN	KEWALLAL, LACKHRAJ (PAUL)	MEDICAL REASSIGNMENT	TEMPORARY REASSIGNMENT	Case settled	N/A	N/A
ERO-NKSP-013-03	Phlebotomist	TIPTON, VICTORIA	OVERFAMILIARITY (Contracted employee) CONDUCT	TERMINATION OF CONTRACT 7-8-03	N/A	N/A	N/A
ERO-NKSP-014-03	C/O	THOMAS, DANA L.	CONDUCT	LOR ISSUED 10-27-03	09-09-03	10-27-06	NONE SCHEDULED
ERO-NKSP-015-03	RN	KEWALLAL, LACKHRAJ	INSUBORDINATION	INSUBORDINATION NO FURTHER ACTION 10-29-03	09-10-03	N/A	N/A
ERO-NKSP-016-03	OA	LOONEY, JOHN	AWOL	AWOL SEP. ON 03-18-03	N/A	AWOL SEP. ON 03-18-03	FAILED TO ATTEND 1-12-04
ERO-NKSP-017-03	C/O	CRAWFORD, CARL A.	CONDUCT	5% FOR 3 MONTHS	9-23-03	3-10-04	
ERO-NKSP-018-03	AISA	STEWART, VICKIE	DISCRIMINATION COMPLAINT	PENDING HEARING	N/A	N/A	N/A
ERO-NKSP-019-03	CLINICAL PSYCH	DANIYAN, SAMUEL	FAILURE TO PROVIDE LICENSE	NON-PUNITIVE TERMINATION	N/A	N/A	N/A

NORTH KERN STATE PRISON EMPLOYEE RELATIONS OFFICE 2003 ADVERSE ACTION LOG

Log #	Class	Name	Allegation	Disposition	Date Recommendation Sent to Personnel Sacramento	Termination date of LOI, LOR, OR other Adverse Action	Stelly Hearing Date
ERO-NKSP-020-03	C/O	NUNEZ, JUAN	MISCONDUCT	5% for 6 months RED TO LOI 1-21-04	12-04-03	1-28-05	1-28-04
ERO-NKSP-021-03	ACCT. SUP.	MATHIAS, CRAIG	NEGLECT OF DUTY	DISMISSAL 4-12-04	12-29-03		
ERO-NKSP-022-03	CSC	LAWSON, SANDRA	OVERFAMILIARITY	LOI	N/A	N/A	N/A
I-NKSP-001-03	C/O	STARR, BRIAN	FAILURE TO SECURE CONFIDENTIAL INFO	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-002-03	MTA	ETHRIDGE, COLLEEN	FAILURE TO ACT	WITHDRAWN BY WARDEN 8-25-03	Amended IA - EE is Exonerated 11-14-03	N/A	N/A
I-NKSP-003-03	C/O	MORALES, PETER M.	CONDUCT off duty	5% for 6 Mos.	05-06-03	06-18-06	None Scheduled
I-NKSP-004-03	C/O	VARGAS, ARTURO	USE OF FORCE	NO ACTION EXPIRED TIME	N/A	N/A	N/A
I-NKSP-005-03	SCI	CALHOUN, TIMOTHY	FAILURE TO REPORT TO WORK	CASE CLOSED EE RESIGNED	N/A	N/A	N/A
I-NKSP-006-03	C/O	RANGEL, JERRY	CONDUCT	5% for 6 Months	05-06-03	06-30-06	06-19-03
I-NKSP-007-03	CCI	HODGE, JOHNNITA	MISCONDUCT	CASE RESCINDED 03-05-03 E. Martinez	RECEIVED	N/A	N/A
I-NKSP-008-03	C/O	KROEGER, BRIAN	INSUBORDINATION	5% for 6 Months Red. To LOI 7/27/03	06-03-03	07-27-03	07-16-03
I-NKSP-009-03	C/O	SOSA, RADAMES	MISCONDUCT	LOR ISSUED 11-4-03	9-10-03	11-3-04	10-30-03
I-NKSP-010-03	C/O	MOLINA, JULIAN	USE OF FORCE	LOI ISSUED 09-17-03	N/A	N/A	N/A
I-NKSP-011-03	C/O	KEY, NICK	USE OF FORCE	LOI ISSUED 09-17-03	N/A	N/A	N/A
I-NKSP-012-03	C/O	SMALLEY, LORIN	USE OF FORCE	LOI ISSUED 09-17-03	N/A	N/A	N/A
I-NKSP-013-03	C/O	MORRIS, BRIAN	MISCONDUCT	5% FOR 12 MONTHS	11-12-03	12-22-04	12-18-03
I-NKSP-014-03	C/O	ROBERTS, MARLA	INSUBORDINATION	LOI ISSUED 10-6-03	N/A	12-31-03	
I-NKSP-015-03	C/O	CARDENO, RENALDO	CONDUCT	NO FINDING	N/A	N/A	N/A

NORTH KERN STATE PRISON EMPLOYEE RELATIONS OFFICE 2003ADVERSE ACTION LOG

Log #	Class	Name	Allegation	Disposition	Date Recommendation Sent to Personnel Sacramento	Termination date of LOI, LOR, OR other Adverse Action	Skelly Hearing Date
I-NKSP-015-03	C/O	CARDENO, RENALDO	CONDUCT	NO FINDING	N/A	N/A	N/A
I-NKSP-016-03	C/O	TATUM, TAMARA	USE OF FORCE	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-017-03	AGPA	BAILEY, GLENDA	CONDUCT	LETTER OF EXPECT. 12-16-03	N/A	N/A	N/A
I-NKSP-020-03	MSSI	SANCHEZ, DAVID	POSITIVE URINALYST	CURRENTLY BEING PROCESSED			
I-NKSP-021-03	CCRA	DAHMS, CHARLOTTE	INEXCUSABLE NEGLECT OF DUTIES	NO ACTION	N/A	N/A	N/A
I-NKSP-023-03	C/O	CHAVEZ, MICHAEL	INEXCUSABLE NEGLECT OF DUTY	NO ACTION	N/A	N/A	N/A
I-NKSP-024-03	C/O	GARCIA, MICHAEL	INEXCUSABLE NEGLECT OF DUTY	NO ACTION	N/A	N/A	N/A
I-NKSP-025-03	C/O	BELK, SCOTT	INSUBORDINATION	NO ACTION	N/A	N/A	N/A
I-NKSP-026-03	C/O	GAMBOLD, ROBERT	NEGLIGENCE	12/1/03	N/A	N/A	N/A
I-NKSP-027-03	C/O	FREELAND, BRAD	USE OF FORCE	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-028-03	C/O	PALERMO, STEPHEN	CONDUCT	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-029-03	C/O	JIMENEZ, DANIEL	INSUBORDINATION	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-030-03	C/O	PRIOR, HOUSTON	INEXCUSABLE NEGLECT OF DUTY	NO ACITON 12-1-03	N/A	N/A	N/A
I-NKSP-031-03	OA	ABRAMS, BRENDA	FAILURE TO SECURE CONFIDENTIAL INFORMATION	5% for 6 Months Red to LOR at Skelly 2-9-04	08-20-03	10-20-06	10-23-03
I-NKSP-032-03	PS	AGUILAR, MARYBEL	SECURITY BREACH	NO ACTION	N/A	N/A	N/A
I-NKSP-033-03	SEN. SPEC.	CAMACHO, SYLVIA	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-034-03	PS	CAMPOS, DORI	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-035-03	PS	CASTENADA, LEONARD	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A

NORTH KERN STATE PRISON EMPLOYEE RELATIONS OFFICE 2003 ADVERSE ACTION LOG

Log #	Class	Name	Allegation	Disposition	Date Recommendation Sent to Personnel Sacramento	Termination date of LOI, LOR, OR other Adverse Action	Skelly Hearing Date
I-NKSP-036-03	PS	CHAVEZ, ANGELA	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-037-03	OA	DAVENPORT, SHERRI	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-038-03	SSA	FLORES, CAROLYN	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-039-03	OT	LITTLES, MARIE	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-040-03	OT	LUJAN, LUZ	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-041-03	OA	OWENS, MIESHA	NEGLECTANCE	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-042-03	PS	ROBERTS, STACEY	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-043-03	OT	SADVOY, FLO	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-044-03	PSS	SMITH, ROBIN	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-045-03	PS	THOMPSON, KELLIE	SECURITY BREACH	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-046-03	SGT.	CARRILLO, MIKE	FAILURE TO REPORT	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-047-03	LT	GONSOLAND, GWEN	FALSIFYING STATE DOC	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-048-03	LT.	BOLTON, BARRY	FALSIFYING STATE DOC	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-049-03	PSS	CASTANEDA, LEONARD	DISCLOSING CONFID. INFORMATION	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-050-03	PSSI	TELLECHEA, TERESA	FAILURE TO TRAIN	NO ACTION 2-9-04	N/A	N/A	N/A
I-NKSP-051-03	PSSII	CALHOUN, MARILYN	FAILURE TO SECURE CONFIDENTIAL INFORMATION	Currently Being Processed	2-27-04		
I-NKSP-052-03	IPO(A)	CALLAND, WHITNEY	FAILURE TO SECURE CONFIDENTIAL INFORMATION	LOI ISSUED 2-11-04	N/A	2-11-05	N/A
I-NKSP-053-03	CBM	LOVY ORN, SYLVIA	FAILURE TO SECURE CONFIDENTIAL INFORMATION	1123 ISSUED 2-11-04	N/A	N/A	N/A

**NORTH KERN STATE PRISON
EMPLOYEE RELATIONS OFFICE
2003 ADVERSE ACTION LOG**

Log #	Class	Name	Allegation	Disposition	Date Recommendation Sent to Personnel Sacramento	Termination date of LOL, LOR, OR other Adverse Action	Skelly Hearing Date
I-NKSP-054-03	RN	LACKARAJ, KEWALLA	NEGLECT OF DUTIES	Currently Being Processed	03-27-04		
I-NKSP-056-03	SGT.	MORRIS, MARLIN	FAILURE TO ACT/REPORT RAPE	5% FOR 12 MOS.	09-09-03	11-3-04	NONE SCHEDULED
I-NKSP-057-03	SUP COOK	RIVERA, ARTHUR	FRAUD	Currently Being Processed	02-03-04		
I-NKSP-058-03	SCI	LAWSON, SANDRA	OVERFAMILIARITY	NO ACTION	N/A	N/A	N/A
I-NKSP-059-03	MAIN MECHANIC	GONZALES, ERNEST	MISCONDUCT	LOI ISSUED 1/12/04	N/A	7-29-04	N/A
I-NKSP-060-03	CO	BRECEDA, ADAM	MISCONDUCT	NO ACTION UNFOUNDED	N/A	N/A	N/A
I-NKSP-061-03	LT.	STEBNER, WILLIAM	FAILURE TO DOCUMENT USE OF FORCE	NO ACTION	N/A	N/A	N/A
I-NKSP-062-03	SGT.	RIMBACH, SCOTT	FAILURE TO DOCUMENT USE OF FORCE	NO ACTION	N/A	N/A	N/A
I-NKSP-063-03	CO	SINGLETON, DAVE	USE OF FORCE	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-064-03	LT.	IVIE, ANTHONY	NEGLECT OF DUTY	14 DAY SUSPENSION RED TO LOR 1-30-04	11-14-03	1-30-07	1-23-04
I-NKSP-065-03	SGT.	STEEN, DAVE	NEGLECT OF DUTY	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-066-03	CO	RIVERA JR., EDWARD	CONDUCT	NO ACTION 11-6-03	N/A	N/A	N/A
I-NKSP-067-03	STAT. ENG.	MCGOWAN, JIM	EXCESS. LEAVE OF ABSENCE	CLOSURE LETTER			
I-NKSP-068-03	CO	LANE, RANDALL	MISCONDUCT	LOI ISSUED 3-4-04	N/A	3-5-04	N/A
I-NKSP-069-03	SGT.	MANGES, JAY	MISCONDUCT	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-070-03	OA	RODRIGUEZ, PATRICIA	DISCL. INTERVIEW QUESTIONS	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-071-03	OA	SANTIAGO, LINDA	DISCL. INTERVIEW QUESTIONS	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-072-03	OA	ALEJO, MARIA	DISCL. INTERVIEW QUESTIONS	NOT SUSTAINED	N/A	N/A	N/A

NORTH KERN STATE PRISON EMPLOYEE RELATIONS OFFICE 2003 ADVERSE ACTION LOG

Log #	Class	Name	Allegation	Disposition	Date Recommendation Sent to Personnel Sacramento	Termination date of LOI, LOR, OR other Adverse Action	Skelly Hearing Date
I-NKSP-073-03	C/O	JOHNSON, KEVIN	WILLFUL DISOBEDIENCE	AWOL TERM. 05-30-03	N/A	N/A	N/A
I-NKSP-075-03	C/O	STEVENS, DANITA	BATTERY ON STAFF	LOI ISSUED 4-2-04	N/A	4-2-05	N/A
I-NKSP-076-03	C/O	GONZALEZ, CARMEN	LESS THAN TRUTHFULL	Currently Being Processed	03-26-04		
I-NKSP-077-03	C/O	EARLY, SHAUNA	LESS THAN ALERT	Currently Being Processed	04-02-04		
I-NKSP-078-03	C/O	AINSWORTH, TRAVIS	CONDUCT	Currently Being Processed	04-06-04		
I-NKSP-079-03	C/O	STEVENS, DANITA	OVERFAMILIARITY	NOT SUSTAINED	N/A	N/A	N/A
I-NKSP-080-03	C/O	DOELING, MATHEW	DESTROY STATE PROPERTY	Currently Being Processed			
I-NKSP-081-03	C/O	LANE, RANDAL	NOT REPORT DESTRUCTION STATE PROPERTY	Currently Being Processed			
I-NKSP-082-03	SGT.	BECERRA, GEORGE	NEGLECT OF DUTY	LOI ISSUED TO EE 11-5-03	N/A	N/A	N/A
I-NKSP-083-03	C/O	CHAMPION, BRYAN	NEGLECT OF DUTY	5 % FOR 10 MONTHS RED TO LOR	12/29/03		
I-NKSP-084-03	C/O	GARCIA-HILL, CLAUDIA	NEGLECT OF DUTY	5% FOR 6 MONTHS RED TO LOR	12-29-03	4-8-07	4-8-04
I-NKSP-085-03	C/O	DAGUMAN, DELBERT	USE OF FORCE	Currently Being Processed	04-02-04		
I-NKSP-087-03	SGT.	NELSON, CAESAR	REL. SUP. CONTROL DURING A POT ENTIAL EMERG. INAPPROPRIATE BEHAVIOR	Currently Being Processed	03-26-04		
I-NKSP-088-03	C/O	CURRY, GREG	INAPPROPRIATE BEHAVIOR COMMENTS	Currently Being Processed			
N-SVSP-037-03	L.T.	DONNAHOE, CRAIG	MISCONDUCT	5% FOR 6 Mos. Red. At Skelly-LOI	N/A	N/A	10-09-03 SVSP
NCYCC 03-010	SUPV. COOK	ARAGON, SHERRY	OVERFAMILIARITY	DISMISSAL EFFECTIVE 2-10-04		N/A	2-9-04

**NORTH KERN STATE PRISON
EMPLOYEE RELATIONS OFFICE
2004 ADVERSE ACTION LOG**

Log #	Class	Name	Allegation	Disposition	Date Recommendation Sent to Personnel Sacramento	Termination date of LOI, LOR, OR other Adverse Action	Skelly Hearing Date
C-NKSP-019-04	ELEC. II	LOLLIS, ANTHONY	MISCONDUCT	NOT SUSTAINED			
ERO-NKSP-001-04	C/O	SNYDER, TODD	MISCONDUCT	Currently Being Processed			
ERO-NKSP-002-04	C/O	MORRIS, DARRIN	MISCONDUCT	Currently Being Processed			
ERO-NKSP-003-04	C/O	WILLHITE, R.	MISCONDUCT	Currently Being Processed			

(Inmate Relations Attachment A)
Lockdown / Modified Program Statistics
April 2003 to April 2004

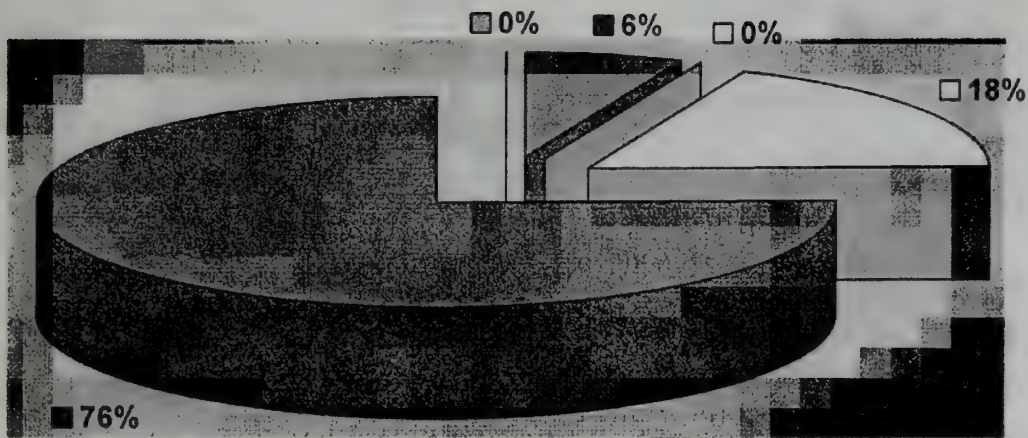
Date	Date Closed	No. Days Lasted	Facility	Inmates Lock Down	Reason
04/14/03	04/17/03	3	C1-B-Side	146 All Ethnicities	Building Riot all Ethnicities were involved
04/23/03	05/09/03	16	D4 A&B-Side	55 Northern Hispanics only	Battery 3 Hispanics on 1 Hispanic
04/26/03	05/09/03	13	D5 A&B-Side	184 All Ethnicities	Possible threats to staff And other inmates
06/28/03	07/16/03	18	Facility A All Buildings	564 All Ethnicities	Building Riot all Ethnicities were involved
07/04/03	07/10/03	6	C-Dorm East	151 All Ethnicities	Battery with weapon Possible threat of riot
07/25/03	08/29/03	4	D4 A&B-Side	47 Northern Hispanics only	Battery 3 Hispanics on 1 Hispanic
08/10/03	08/26/03	16	B6 A-Side	68 14 White 54 Black	Mutual Combat
08/22/03	08/25/03	3	B A-Side	78 45 Black 33 Hispanics	Mutual Combat
08/25/03	09/19/03	26	D 1 A&B-Side	59 Hispanics	Battery on the yard
08/31/03	09/04/03	5	A3 Entire Building	79 Hispanics	Battery with weapon 2 Hispanics on 1 Hispanic
09/24/03	10/23/03	29	Facility A All Buildings	644 373 Hispanics 271 Blacks	Possible threats to Staff Weapon found

10/21/03	11/25/03	35	B6 A&B-Side	174 All Ethnicities	Battery 2 on 1 Mutual Combat 1 on 1
10/22/03	11/19/03	28	D5 B-Side	94 All Ethnicities	Battery 1 on 1
10/25/03	11/3/03	9	B2 A&B-Side	93 Hispanics only	Battery 1 on 1 Possession of Dangerous Contraband (altered razor)
10/27/03	10/29/03	2	C4 B-Side	141 All Ethnicities	Grouping
10/27/03	11/7/03	11	D4 A-Side	40 Northern Hispanics	Battery 2 on 1
10/31/03	11/4/03	4	A3	821 All Ethnicities	Possible threats to staff Possible threat of riot
11/2/03	12/11/03	39	B3 A&B-Side	127 Black 77 Hispanic 50	Riot 30 Black and White inmates involved
11/4/03	11/26/03	22	B1 A&B-Side	189 All Ethnicities	Riot 40 Black, White, Hispanic inmates involved
11/13/03	11/28/03	15	C1 A-Side	126 All Ethnicities	Riot 25 Black and Hispanic inmates involved
11/19/03	11/26/03	7	B2 B-Side	25 Blacks only	Battery 1 on 1
11/21/03	11/24/03	3	A3	623 All Ethnicities	Battery 1 White, 1 Black, 2 Hispanic
11/21/03	11/29/03	8	C2 B-Side	140 All Ethnicities	Riot Top Tier Black, White, Hispanic
12/10/03	12/11/03	1	A Dining	All Ethnicities	Riot Disturbance in Dining Hall
1/21/04	1/27/04	6	E Yard	388 All Ethnicities	Threats to inmates Grouping

2/7/04	2/18/04	11	A - 1,2,3,4	251 Hispanics	Riot 8 Mexican National against each other
2/7/04	3/5/04	27	D2 A&B- Side	96 Hispanics	Battery 2 on 1
2/17/04	2/25/04	8	A - 1,2,3,4	250 Hispanics	Riot 3 Hispanic against each other / shots fired
3/2/04	3/11/04	9	B6 A&B-Side	46 Black 108 Hispanic	Battery 3 Hispanics on 1 Black and 1 Hispanic on 1 Black (2 incidents)
3/9/04	3/11/04	2	Facility A	850 All Ethnicities	Other/Weapons search
3/15/04	3/26/04	11	D1 A&B- Side	90 Hispanics	Battery 2 Hispanics on 1 Hispanics
TOTALS					
31			Fac. A=9 Fac. B=8 Fac. C=5 Fac. D=8 Fac. E=1	Others =0 Blacks=569 Whites =14 Hispanics =1,649 All Ethnic =4,591 Total = 6,823	

Note: Lockdowns and/or Program Modifications have no impact on Inmates who are uninvolved. They continue with normal programs.

Lockdown Percentage breakdown



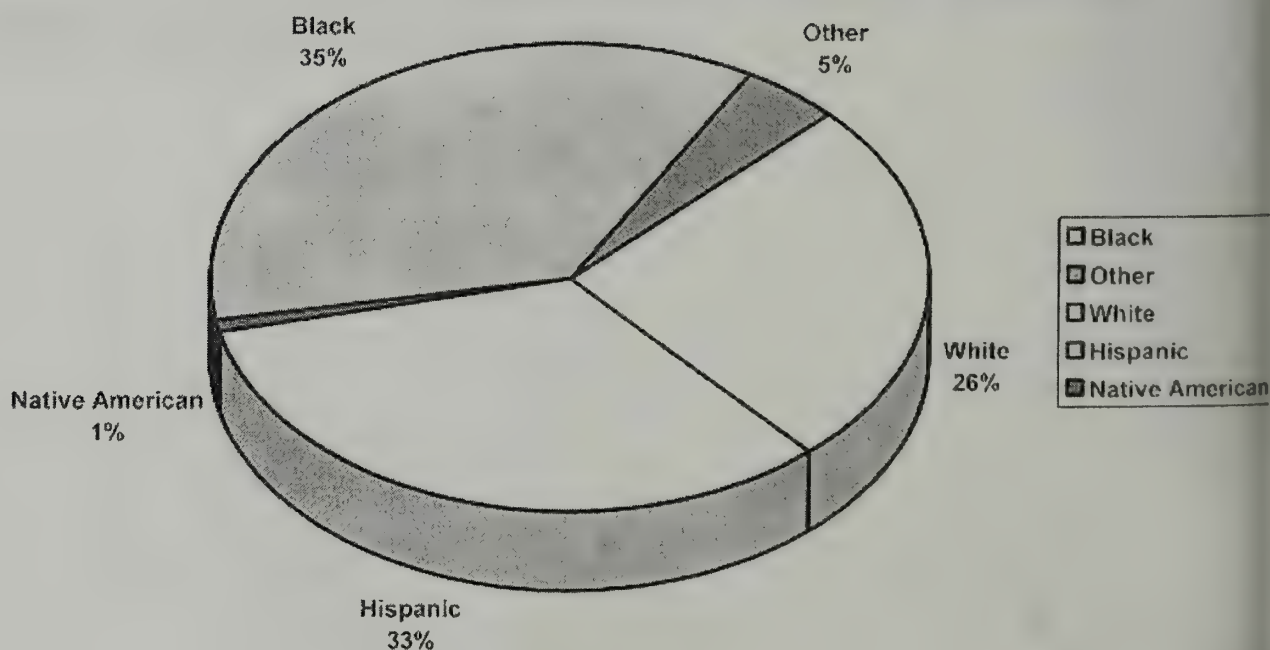
Others	Blacks	Whites
Hispanics	All Ethnicities	

Overcrowding Attachment A

OFFENDER POPULATION STATISTICS APRIL 2004

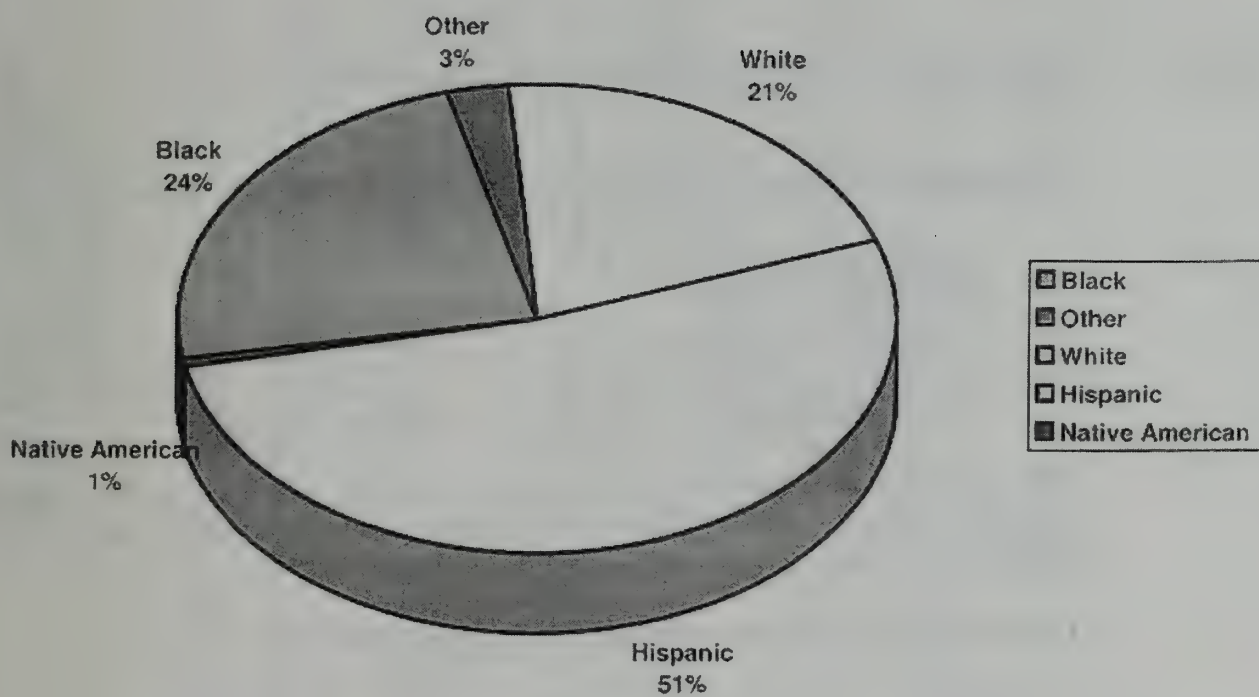
Offender Population by Level	Population	Vacant	Total Capacity
Level I	360	40	400
Reception Center	3749	35	3784
Level III	671	18	689
Other (Infirmary, ASU, Fire house)	183	141	324
Total	4963	234	5197

Ethnic Breakdown of Offenders on General Population Yards: Facilities A&E



Overcrowding Attachment B

Ethnic Breakdown of Offenders on Reception Center Yards: Facilities B, C, & D



MEMORANDUMLitigation Coordinator
Extension 5008

Date: April 15, 2004

CONFIDENTIALTo: Lea Ann Chrones
WardenSubject: **LITIGATION MONTHLY REPORT FOR APRIL 2004**

The attached is the monthly report of current court cases at North Kern State Prison:

Total Cases Listed	38
Cases Opened in March	01
Cases Opened in April	01
Cases Closed in March	05
Cases Closed in April	01

Note, five cases were added into the monthly report, this was based on the updated information provided by the Office of the Attorney General, regarding some of our unknown status case.

If you have any questions, don't hesitate to contact me at 5008/3188.

MARTI MARTINEZ
Litigation Coordinator
North Kern State Prison

Attachment

cc: B. Espinosa, Chief Deputy Warden

**NORTH KERN STATE PRISON
MONTHLY LITIGATION
April 15, 2004**

DATE RECEIVED:	CDC#:	CASE NAME:	CASE #:	ISSUES:	NKSP DEFENDANTS:
9/15/1999	K-82308	Mark R. Davis vs. Oliver et al.	USDCED CVF995450 AWI SMS P	Medical care/treatment. Pn case status from DAG-Turner, 10-15-03.	Dr. Oliver (retired) Dr. Markoff, RN Melacio
12/02/1999	D12127	Kenneth G. Keel vs. California Department of Corrections, et al.,	239790 JES	Alleges negligence from staff and medical treatment and care. DAG C. Hill called 11/20/03, appealed, case is set for trial unknown date.	R. Early, Warden (retired), Dr. Trinh, CCl J. Flores (retired), Sgt. Yslava, Sgt. Fields, Officer J. Brown, S. Padilla, E. Grajeda, MTA Digiovanna
4/7/2000	H-57184	Jemal David Lewis vs. Richard Early et al	USDCED CIVS001315FC DAD F	Multipe issues. Case in Fed & State court. Pn case status from DAG-Walston, 10-15-03.	R. Early, Warden (retired)
6/20/2000	J-77196	Ray Medina vs. R. Hall et al	USDCED CVF995292 AWI HGB P	Excessive force. 6-4-03 DAG-Yates requested handwritten docs. RVR/ 837, faxed 6-6-03.	C/O Tatum; Sgt Barnard; Jack Hutchins. Note: R. Hall, (resigned former C/O).
2/16/2001	H-81904	Edward F. Ingram Writ of Habeas Corpus	HC007117A	Medical Care. Pn case status from DAG-Acuna, 10-15-03.	NKSP, Medical Dept.
6/13/2001	P40407 (Deceased)	Gutierrez-Diaz, et al vs. North Kern State Prison, et al.,	241771 SPC	Wrongful death suit.	NKSP

**NORTH KERN STATE PRISON
MONTHLY LITIGATION
April 15, 2004**

1/16/2002	J41987	James Humphrey vs. C.R. Williams et al	USDCED CVF015020REC HGB P	Unnecessary force. Letter rcvd on 8-20-03 sub. Atty. (Harris) based on conflict of interest.	C.R. Williams, (former emp./C/O) R. Early, (retired)
2/6/2002	E29469	James Stern vs. CA.	USDCEDCVF00 54290WWHGB P	Grooming Standards, unsanitized barber equipment.	Sgt. Baker-(Lt.), C/O Tyler, C/O Mann, R. Early (retired)
3/18/2002	Class Action Suit	John Johnson, Anthony Johnson, Albert Michael, Jimmy Colbert, and all others similarly situated vs. CDC et al	USDCED CV021090 DTPLax	Grooming Standards; equipment sanitized. Exposure to AIDS, HIV, Hepatitis. Document request from DAG/LAD 4/16/04 regarding case.	Warden's at all male Instit. Note, pn Warden's signature on the declaration.
10/21/2002	Class Action Suit	Harrington-Westley vs. State of CA.	BC 227373	Involves the CDC's use of the "Secure 1000 scanner" Imaging	Note, was not used at NKSP
12/18/2002	K54885	George Hamilton vs. R.J. Hernandez, D.G. Adams, et al.,	C-00-3030-SBA (PR)	Alleges racial & religious discrimination.	Officer J. Westphal Note, SVSP & SATF case

NORTH KERN STATE PRISON
MONTHLY LITIGATION
April 15, 2004

1/2/2003	K46287	Daniel Macias vs. Richard Early, Warden, NKSP Writ of Habeas Corpus	HC 007734 A	Claims cruel and unusual punishment in violation of double jeopardy clause. Denied work time credits per P.C. 2933., J. Blonien, DAG, submitted informal response 1/17/03. Pn response from the court. Note I/M paroled 1/2/03.	Writ of Habeas Corpus. Pn response from court per DAG- Blonien, 9-12-03.
1/6/2003	P58794	Barrington, Reid, Writ of Habeas Corpus	HC 007702 A	Denied family visit via ICC, based on victims of his crime was a minor. Rcd court order to reclass FV elig. Based prior version of PC667.5	Note, ICC 4/6/04 rescinded denial of FV per motion for contempt of court order. Case closed 4/7/04
2/10/2003	D95030	Mel Tyrone Edward vs. R. Early, et al.,	CIV F 00 5506 OWW LJO P	Claims he was deliberately injured by Officer K. Heidt, while he was in a wheelchair. MTA Ethridge denied medical treatment.	MTA., C. Ethridge, Officer K. R. Heidt. Note, Officer Heidt tx to CCL. I/M is currently housed SAC IV. Assigned DAG-Wolff.
3/3/2003	T27374	Eric Rodriguez Writ of Habeas Corpus	HC 007818 A	Denied family visiting by ICC, rcvd doc. on 7/8/03 from DAG Llewellyn request to amend court order based on new reg. on FV.	Note, keep case open until 8/20/04. ICC denied FV w/regard to new reg.
3/5/2003	H23699	Ronald Singson vs. Prunty, Warden, et al.,	02CV1663	Alleges he was denied the right to file a complaint against certain state employees. And suffered cruel and unusual punishment.	Officer R. Crum Note, Calipatria case.

**NORTH KERN STATE PRISON
MONTHLY LITIGATION
April 15, 2004**

3/10/2003	H35663	James Cato, Jr., vs. J.R. Westphal, et al.,	CIV F 02 5486 REC SMS P	Alleges excessive "use of force."	Officer J.R. Westphal Note, SATF case.
3/26/2003	P24977	Robin M. Ross vs. R. E. Early, Warden, et al.,	CIV F 03 5178 OWW DLB P	Alleges the Native American Indian limited religion activities. Rc'd letter 4/14/03 from OAG, Picciano service was not properly done & no action is required at this time.	R. E. Early (retired), Lt. Maurer, Sgt. Hampton, J. Allanic, (ext- sick) CRM. (Note, potential court case). Case will be moved to precautionary file 4/30/04.
4/4/2003	K89434	Ronnie Brown vs. R. E. Early, et al.,	CIV S 1956 WBS PAN P	Alleges he was denied medical treatment. DAG-Fayard assigned to the case.	Dr. R. Rhodes
4/18/2003	K36553	Antolin Andrews vs. Mellie Briggs, et al.,	CIV S 01 0883 FCD PAN P	Alleges his classification score incorrect (lev.IV) was denied emerg. 602, subsequently assaulted at rcvng fac.	Mellie Briggs, G. Perez, O. Fleske, C. Moreno, assigned DAG-Pollard
4/22/2003	K49738	Antonio Massie vs. Richard Early, et al.,	CIV F 00 5248 OWW LJO P	Alleges he was denied medical treatment for Hepatitis C, and denied transfer to a suitable facility	R. Early, Warden (retired), Dr. Trinh (tx WSP-01). DAG- Poncho assigned to the case.
5/1/2003	T31921	Luis Macias & Lucia Castellanos vs. Wackenhut, G.S. CCF, et al	CIV F 03 5245 REC DLB	Alleges he was denied dental and medical treatment for an infection and subsequently lost his vision in his right eye	R. Early, Warden (retired) DAG-Garza assigned to the case. Depo. with staff concluded.

**NORTH KERN STATE PRISON
MONTHLY LITIGATION
April 15, 2004**

6/23/2003	T21600	DeWayne Nolan Logan vs. John Doe I, et al.,	CIV F 02 6428 AWI SMS P	Alleges he was denied ample exercise and yard time, while in the general population and not provided access to I/M appeal and courts	B. Espinosa, CDW. Note, SAFT case.
7/8/2003	T42298	Thomas Soto vs. L.A. Superior Court, CDC, et al.,	BC2955949	Alleges he was not released from prison due to error in calculating his release date.	L. A. Superior Court, CDC- NKSP. Faxed on 11/6/03 interrogatories to DAG.
7/10/2003	T31921	Macias vs. Stewart, et al.,	250406 SPC	Alleges he did not receive appropriate dental care. Note, case was also filed in Federal court. Note per DAG case dismissed (State) pn letter 3/2/04.	Dr. Mekemson and Dr. Stewart DAG-Tavetian assigned to case. 9-9-03. DAG-Tavetian interviewed Dr.'s Mek, Stark
7/10/2003	C87701	Kenneth Martinez vs. J. Catehy, SGT., et al.,	CV F 02 6619 REC SMS P	Alleges prison officials used false, fabricated unreliable information to place "S" into an indeterminate lock-up (SHU)	Sgt. Cathey, J. Marshall, Warden, DAG-Hill assigned the case.
7/10/2003	T37057	Brown vs. Blackwell, et al.,	FCS022113	Alleges improper prescription or administration of a psychotropic medication, causing severe nightmares that he leapt from his bunk and caused him injury	Dr. Shalts. DAG-Smith assigned to the case.

**NORTH KERN STATE PRISON
MONTHLY LITIGATION
April 15, 2004**

8/11/2003	H39349	Clarence A. Gibson vs. D. L. Runnels, et al.,	CIV F 02 6190 OWW DLB P	Alleges excessive force, he was beaten and kicked unjustifiably.	Lt. M. Skaggs (Sgt.), Officers D.A. Singleton, M.E. Mann
8/12/2003	H98762	Rodney Williams vs. Officer B. Verduzco, et al.,	CIV F 03 5479 REC DLB P	Alleges excessive force, assault and battery, denial of medical treatment.	Officers, B. Verduzco, A. Bicknell, D.A. Castillo, Officer B.S. Comstock, MTA B. Chavez.
10/02/2003	P90633	James W. Reeves, Jr., vs. State of California, et al.,	CIV F 03 5638 AWI LJO P	Alleges that one of our Med. Dr.'s did not appropriately evaluate his lower back condition and subsequently he sustained injuries from a fall while climbing onto his upper bunk.	Dr. S. Markoff
10/16/2003	T54378	Lonnie Williams vs. Gray Davis, et al.,	CIV F 03 5942 OWW LJO P	Alleges staff negligence regarding his due process (RVR hearing) and subsequent disciplinary actions i.e., SHU, causing mental and emotional stress.	John Marshall, D. MC Daniel, Capt., M. A. Stevens, Lt., R. Reed, Sgt. (former Lt.) M. West, C/O, R. Crum, C/O. Note: NKSP and COR case.

NORTH KERN STATE PRISON
MONTHLY LITIGATION
April 15, 2004

10/27/2003	H32895	Ronald Edward Knight vs. T. Etheridge, et al.,	CIV F 01 6505 OWW TAG P	Alleges excessive force and lack of medical attention or treatment and suffered retaliation.	T. Etheridge, MTA (deceased), J.M. Knight, C/O. Rcvd letter from assigned DAG-Perkins.
11/19/2003	P47064	James V. Caico vs. D.L. Runnels, et al.,	CIV S 02 1608 WBS GGH P	Alleges he was tx from CSP-Sol to HDSP in error and did not obtain medical care. His C.S. was high and forced him to tx.	M. Robinson, CCIII Note, CSP-Sol case,
12/1/2003	J55505	Genaro Campos, Jr., vs. Delano State Prison	CIV F 03 5812 AWI SMS P	Alleges he was assaulted & officer did not use OC spray to stop an assault that caused brain damage. Med. Staff refused medical treatment/care.	Dr. Mekemson, K. Baker, Lt.
12/29/2003	D40449	Victor Edwards, Writ of Habeas Corpus	CV F 03 6233 REC LJO HC	False Imprisonment	Warden at NKSP
2/17/2004	P57118	Raymond Gary Stelljes., vs. CDC, et al.,	CIV F 03 5708 OWW SMS P	Alleges discrimination by NKSP-ICC, he was excluded, fire camp w/special skills. The basis his disability (hypertension).	Hutchins, M. Briggs, H. McDaniel, E. Martinez, C. Lugo, J. Hodge, CCI, C. Moreno, CCI, Dr. Nikkel, R. Early, R. Lomonaco (retired)
3/16/2004	D75521	Carl Joseph Welcome vs. G Boyd	D-1503-CL-7829	Alleges unnecessary force and lack of medical care/treatment.	G. Boyd, Officer. Note case management conference held in Kern Co. superior court 5/21/04.

**NORTH KERN STATE PRISON
MONTHLY LITIGATION
April 15, 2004**

4/8/2004	T92182	Parker, Garnett vs. P.D. Vera, B. Cherry, C. Nelson	S-1500CV- 252342-RJA	Alleges derelict of duty, the housing officer did not prevent a riot from occurring in the unit, and lack of medical care.	P. Vera Lt. C. Nelson Sgt. B. Cherry, C/O. Note, case management conference, Kern Co. superior court, 8/24/04.
----------	--------	---	-------------------------	---	---

Memorandum

April 15, 2004

Kathy Prosper
Responses to
QuestionsNettie Sabelhaus
Senate Rules Committee Appointments DirectorSubject: **CONFIRMATION QUESTIONS**

This is in response to Senator Burton's request for information relative to my confirmation as Warden of the California Correctional Center (CCC).

STATEMENT OF GOALS:

Please provide a statement of goals describing what you hope to accomplish during your service as Warden.

Answer: My goals are to build upon the positive and productive relationship that already exists between CCC and the California Department of Forestry, ensuring the fulfillment of the primary mission of the Northern Camp Program. Further, it is my goal to improve existing resources to the offender population relative to academic and vocational assignments, self help programs, workshops, and other meaningful activities that promote positive behavior and a reduction in recidivism. I look forward to the opportunity to lead CCC and the Camps through the challenges that face today's Department.

BUDGET:

What steps will you be taking to address projected budget reductions? How will these reductions affect programming, staffing, and health and mental health care of inmates? Are you currently operating within your authorized budget?

Answer: I and my management team have identified specific staff positions for reduction to assist the Department of Corrections (CDC) in achieving its overall budget reduction. Effective December 31, 2003, ten positions were cut as part of our 16% reduction. Effective April 26, 2004, an additional ten positions will be cut as part of this same reduction. Negotiations between the CCC and California Correctional Peace Officers Association is scheduled to occur on April 20, 2004 regarding the impact of these cuts.

The positions currently identified to be cut or reduced will have no impact on the number of inmate assignments or the medical care provided to inmates. However, CCC's Visiting Program is now reduced from three days per week to two days per week. Visiting now occurs on Saturday and Sunday only, with the loss of Friday visiting.

The last monthly budget plan for CCC indicates that I am operating with a deficit of 5.9 million dollars. I am anticipating receiving 5.2 million dollars in reimbursement authority to cover the cost of our fire fighting activities for this fiscal year. Other major areas I am

APR 16 2004

experiencing a deficit in are utilities, temporary help, and overtime. The last two categories are offset by existing vacancies.

STAFFING:

Please provide a list of existing vacancies and identify the efforts you are making to address long-term vacancies or any other staffing problems such as in nursing positions. Please provide information for custody, non-custody, and health care positions that identify positions that have been vacant longer than six months.

Answer: A list of current vacancies (refer to Attachment A) is included for your review. CCC utilizes a "Job Opportunity Bulletin", State Personnel Board and local hiring lists, the State Personnel Board Vacant Position Data Base, as well as the internet for our recruitment efforts.

CCC currently has one vacant, permanent full time Registered Nurse position. Interviews were scheduled during the first week in March. None of the five candidates scheduled to interview appeared for the interview. We continue to recruit for this position.

Limitations placed on us with the current freeze exemption process has severely limited our ability to fill positions within six months of them becoming vacant. We continue to recruit for vacancies while freeze exemptions are pending. The attached list (Attachment A) indicates the length of time the positions are vacant.

Please provide data on sick leave usage of all staff for each of the last 12 months including any data on the use of long-term medical leave.

Answer: The following table provides the requested information regarding sick leave.

MONTH	HOURS
February 2004	8,020.25
January 2004	8,770.61
December 2003	9,335.90
November 2003	9,595.78
October 2003	9,611.75
September 2003	9,967.03
August 2003	10,526.18
July 2003	9,412.25
June 2003	8,707.75
May 2003	8,299.93
April 2003	8,631.34
March 2003	9,564.60
February 2003	7,289.35
Total	117,732.72

There are 39 employees on long-term sick leave for 30 days or longer. Seven of these are pending medical retirements.

Thirteen CCC staff medically retired with the last 12 months. For the period February 2003 through February 2004, 93 employees received Industrial Disability Leave benefits.

PERSONNEL ISSUES AND EMPLOYEE DISCIPLINE:

As Warden, what steps have you taken to combat sexual harassment and/or discrimination? Please provide any data regarding pending complaints.

Answer: I ensure that all new employees receive Equal Employment Opportunity (EEO) and Sexual Harassment Training as part of their orientation. I have instructed the In-Service Training Department to schedule EEO/Sexual Harassment training on an ongoing basis. In the past year and a half, all CCC staff have received training. We will be expanding our pool of EEO Counselors in July 2004 with departmental training. I have also instructed that the Department's Sexual Harassment Prevention Policy be placed on the front page of the In-Service Training Bulletin, which employees receive monthly.

There are currently four active Sexual Harassment complaints pending at CCC. Three of these complaints date back to 2002, prior to my arrival and are awaiting disposition from the Office of Civil Rights (OCR) at Headquarters. The last complaint was sent to the OCR in early 2004. Verbally, OCR has advised me that it is a supervisory issue and not an EEO issue. The appropriate level of action will be taken as soon as I receive the OCR report in writing. As far as the 2002 complaints, I have written several memorandums and followed-up with ongoing phone calls requesting resolution.

Please provide data on each employee disciplinary action taken in the last 12 months indicating the staff level of the employee, the alleged misconduct, the results of any investigation, the level of the investigation, the results of the investigation (substantiated or not substantiated), and the action taken, if any.

Answer: Please see Attachment B, outlining employee disciplinary action taken in the last 12 months.

What criteria do you use to determine whether alleged misconduct warrants a Category I or Category II investigation?

Answer: The criteria I utilize to determine whether alleged misconduct warrants a Category I or II investigation is as follows:

Category I

Investigations into employee misconduct that are performance related fall within the normal scope of employee-supervisor duties, and do not pose a serious threat to the safety and security of the institutions or public.

Category II

Investigations into employee misconduct that are beyond the normal scope of employee-supervisor duties, including criminal activity on and off the job, performance deficiencies that jeopardize safety and security, and inappropriate activities that have a serious, negative impact on the CDC's credibility and ability to perform its mission. Additionally, misconduct by department management and executive staff that jeopardizes

the overall efficient and effective direction of resources and funds expenditures is classified as a Category II.

What criteria do you use to determine the level/severity of discipline imposed?

Answer: To determine the level or severity of discipline imposed, Personnel Operations, CDC Headquarters, is contacted for comparable cases. I determine from the penalties imposed in these comparable cases what level of penalty is appropriate.

How many staff are currently using administrative time off because of pending investigations?

Answer: There are currently no CCC staff utilizing administrative time off due to pending investigations.

What have you done to ensure that employees follow both CDC regulations and the law? Have you taken any steps to address what is referred to as the "Code of Silence"?

Answer: I employ a variety of practices to ensure that employees follow both CDC regulations and the law. Examples of common practices include but are not limited to: Distributing and posting new policies and procedures; personally discussing critical issues in forums such as the morning meetings with management staff, and monthly supervisor's meetings; monitoring the annual revisions of institutional Department Operations Manual Supplements and Operational Procedures; initiating periodic audits of areas that are regulated by law; utilizing the employee progressive discipline process as appropriate; initiating investigations for allegations of regulation violations; and monitoring the inmate appeal process and all litigation cases.

I have taken aggressive steps to address the "Code of Silence". The departmental memorandum pertaining to this topic, authored by the Youth and Adult Correctional Agency Secretary and the CDC Director, was distributed to all CCC employees on March 1, 2004. I personally authored an institutional memorandum and distributed it throughout the workforce via the monthly In-Service Training Bulletin. Next, I met with all bargaining unit representatives to discuss the "Code of Silence" and set my zero tolerance expectations. Finally, in April 2004, mandatory training for all CCC staff is being conducted. I have instructed numerous classes personally to ensure that my expectations are directly shared with staff.

INMATE RELATIONS:

What problems are you experiencing regarding inmate violence at your institution? How are you responding to those problems, especially in terms of violence reduction strategies?

Answer: CCC has experienced violence involving various inmate groups. Most notably, Northern and Southern Hispanic inmates. A number of incidents have occurred due to tension between these factions.

In response to these problems, CCC staff actively seek to maintain an open line of communication with the inmate population by talking to inmate ethnic representatives on a

regular basis. Inmates that are identified as focal points of violence are removed from the general population and placed in administrative segregation. Investigations are conducted in an effort to keep inmates that promote violence out of the general population or transferred to a more appropriate housing environment.

Please provide data on the number of formal and informal 602's, custody and medical, filed by inmates, by yard, in the last 12 months and the time to respond to those appeals. Do you have data on how many 602's have been "screened out?"

Answer: The CCC Inmate Appeals Office assigned a total of 1,469 inmate appeals between the periods of January 1, 2003 through December 31, 2003. Of the 1,469 appeals, 120 were medical issues and 60 were identified as American's with Disability Act (ADA) issues. There were 278 appeals initially assigned at the informal level. Refer to the table below which contains a breakdown of appeals submitted by inmates, by housing facility.

Area of Origin	Custody	Medical & ADA	Total
Cascade	271	53	324
Camps	61	4	65
Lassen	439	34	473
Sierra	427	79	506
Arnold	41	7	48
Firehouse	1	0	1
Infirmery	0	1	1
Other Institutions	49	2	51
TOTAL	1,289	180	1,469

The Inmate Appeals Coordinator is responsible for screening and assigning all appeals. If the inmate has submitted the appeal directly to the Inmate Appeals Office instead of to the employee for informal level response, the appeal is entered in the inmate tracking system. Once the appeal is entered into the tracking system, the history on the appeal may be accessed to ensure that the inmate appeal has received a response.

There were 1,574 appeals screened out during the period of January 1, 2003 through December 31, 2003. "Screened out" appeals normally means that appeals are returned to the inmate for required documentation to be attached. The inmate will return the corrected appeal to the Appeals Office, at which time it is processed.

How many lockdowns have occurred at your institution in the past year? Please indicate the duration, specific unit location, the approximate number of inmates involved, and the reason. What is your policy with regard to lockdowns and the extent to which they have the least impact on uninvolved inmates?

Answer: A total of 25 lockdowns/modified programs occurred at CCC during the period of February 2003 through February 2004. A lockdown is defined as: The restriction of all inmates to their cells/dormitory beds encompassing no less than a housing unit. A modified program is defined as: The suspension of any operation, procedure, service or function to prevent, isolate, contain, or control a disruption of orderly operations, caused by an inmate initiated disturbance, natural disaster, or external stimulus. In general, what this means is that a lockdown affects all inmates in a housing unit. In a modified program, non involved

factions of inmates may program normally. The vast majority of CCC's incidents result in a modified program. Specific information regarding the lockdowns/modified programs is provided below.

DATE	AREA	CAUSE	#INMATES INVOLVED	IDENTIFIED PERPETRATOR GROUP	LENGTH OF LOCKDOWN OR MODIFIED PROGRAM
02/20/03	Level III	Battery	7	Northern Hispanic	4 days
03/12/03	Level II	Battery	20	White	6 days
04/18/03	Level III	Riot	6	Northern Hispanic	11 days
04/25/03	Level I	Riot	45	Northern & Southern Hispanics	6 days
04/27/03	Level III	Slashing and Riot	4	White	9 days
04/28/03	Level III	Chicken Pox Quarantine	1105	All	25 days
05/05/03	Level II	Grouping	50	Blacks & Whites	1 day
05/23/03	Level III	Riot	20	Whites & American Indians	13 days
05/28/03	Level III	Riot	327	Whites & Others	2 days
06/12/03	Level III	Staff Assault	921	All	14 days
07/03/03	Level I	Battery	3	Northern Hispanic	4 days
07/12/03	Level II	Riot	31	Northern & Southern Hispanics	16 days
07/15/03	Level I	Grouping	44	Northern Hispanic	1 day
07/17/03	Level III	Battery and Weapons Discovered	3	Southern Hispanic	25 days
07/27/03	Level I	Grouping	2	Black & Whites	1 day
09/06/03	Level III	Mutual Combat	2	Southern Hispanics & Mexican Nationals	2 days
09/20/03	Level III	Stabbing	4	Southern Hispanics & Whites	18 days
11/01/03	Level I	Riot	790	Whites & Southern Hispanics & Mexican Nationals	3 days
11/12/03	Level III	Weapons Search	All	All	2 days

11/17/03	Level II	Grouping and Weapons	774	Blacks & Hispanics	7 days
11/18/03	Level I	2-on-1	50	Northern Hispanic	6 days
12/04/03	Level I	Riot	10	White	1 day
12/12/03	Level III	Grouping	277	White	4 days
01/13/04	Level II	Racial Riot	289+	Blacks, Whites & Hispanics	28 days
01/29/04	Level III	Weapons	All	All	11 days

When an incident occurs or information is developed that the safety and security of the institution, staff, or the inmate population is threatened, the unit may be placed on lockdown or modified program status pending investigation. Investigations, searches, and interviews are conducted immediately following such incidents. If an incident only involves certain factions or races of inmates, the uninvolved inmates will be returned to a normal program once a determination is made that it is safe to do so. Efforts are taken to identify inmates that are involved in incidents or are the focal point of unrest in order to remove them from the general population and return the unit to normal program as quickly as possible.

What is your relationship with the Men's Advisory Committee? How often do you personally meet with them to hear their concerns?

Answer: My relationship with the Men's Advisory Committee (MAC) at CCC has been positive. An open line of communication exists between the inmate population and myself.

Meetings with the MAC are conducted at both our Level I/II and Level III Units on a monthly basis or more frequently if issues arise. I personally attend these meetings.

OVERCROWDING:

Please provide a summary of your inmate population including custody level and ethnic background. What is the capacity of your institution and at what percentage over that number are you operating?

Answer: CCC houses Level I, II, And III inmates. A summary of the population is provided in the tables below.

OFFENDER POPULATION BY LEVEL	POPULATION
Camps	1,789
Level I	1,563
Level II	1,438
Level III	1,118
Other (Infirmary, ISO/Seg, Firehouse)	27
Total	5,935

ETHNIC	PERCENT OF INMATE POPULATION
White	37%
Hispanic	32%
Black	26%
Other	5%
Total	100%

The design capacity of CCC is 3,682. As of March 2004, we are operating at 161% of design capacity.

RECIDIVISM:

What are you doing to reduce recidivism? Are inmates assessed with a Pre-Release Program that is developed based upon their individual needs? Do any of your Pre-Release Programs incorporate inmates' families? How much time per day/week is an inmate involved? How will these programs, if any, be impacted by any proposed budget reductions?

Answer: In an effort to reduce recidivism, I place a high degree of importance in maintaining ties with the community and family through telephone contact, our Visiting Program, and the mail. I meet with CCC's Inmate Family Council bi-monthly and facilitate a forum to discuss these issues. CCC also has a Narcotics Anonymous, Alcoholics Anonymous, Literacy and Freedom from Addiction Program to address other issues which may affect recidivism.

To a degree, the programs are tailored to the individual needs of the inmates. The instructor considers the specific needs of inmates attending the classes.

The Re-Entry Programs do not incorporate inmates' families.

Our Re-Entry Programs, which are part of the Bridging Program, begin every 17 days and last 6.5 hours per day. The classes are taught by credentialed academic teachers.

At this time, there are no proposed budget reductions that impact the Pre-Release or Bridging Programs.

Have you instituted or expanded any programs to further reduce the risk that inmates will be returned to custody?

Answer: In February 2004, CCC re-implemented a program entitled "Freedom From Addiction". The program is a 14-week course, which focuses on the dynamics of addiction and recovery. At present, we are writing a proposal to headquarters to expand our education classes at no additional cost to CDC.

DRUGS:

How are you addressing the problem of inmate access to illegal substances? What specific steps have you taken to eliminate potential sources?

Answer: A number of drug interdiction methods are utilized by CCC staff to reduce inmate access to illegal substances.

Examples of methods used are as follows:

- Monitoring inmate phone calls via the Inmate Monitoring and Recording System.
- Reading of inmate mail.
- Searches of inmate packages and property.
- Researching of inmate central files and visiting records.
- Writing and executing search warrants on inmate visitors.
- Random and mandatory urinalysis testing based on reasonable suspicion or mandates resulting from a finding of guilt in a disciplinary hearing.
- Investigating information provided to staff from an inmate informant.
- Use of the vendor quarterly package program.

EDUCATION AND WORK PROGRAMS:

What educational and what vocational opportunities exist at your facility? What hours do they operate, in which yards, and over what length of time? Is there a waiting list for these programs? If so, how long is it? What programs have been eliminated or downsized in the last twelve months?

Answer: Diverse educational and vocational opportunities exist for inmates at CCC. Refer to the tables below for specific information:

Academic Classes Level I/II			
Class	No. of Classes	Authorized No. of Inmate Students	Vacancies
Bridging	3	162	0
Re-entry	2	45	0
ABE C	1	20	0
ABE I-III	4	84	4
Physical Fitness Training	2	150	6
TOTAL	12	461	10

Academic Classes Level III			
Class	No. of Classes	Authorized No. of Inmate Students	Vacancies
Bridging	1	54	3
ABE II-III	2	58	0
TOTAL	3	112	3

Vocational Programs Level I/II			
Class	No. of Classes	Authorized No. of Inmate Students	Vacancies
Body & Fender	1	27	0
Dry Cleaning	1	27	3
Landscaping	1	27	0
Mill & Cabinet	1	19	0
Transmission, Brake & Suspension	1	27	4
TOTAL	5	127	7

Vocational Programs Level III			
Class	No. of Classes	Authorized No. of Inmate Students	Vacancies
Electronics	1	27	0
Mill & Cabinet	1	28	0
TOTAL	2	55	0

We are presently in the hiring process for an Arts-in-Corrections Facilitator so that an additional component of the Bridging Program may be implemented as well.

All Education Programs, with the exception of the libraries, operate Monday through Friday from 0800-1500 hours year round. The libraries operate between 0800-1600 hours, Tuesday through Saturday. The libraries are also open year round.

Waiting lists exist for Education and Vocational Programs at both the Level I/II and Level III facilities. The time an inmate may be on a waiting list is one and one-half to three months on average for both facilities.

Due to a state-wide mandate, several Vocational Programs have been eliminated during the last twelve months. These include the Vocational Shoe Repair, Vocational Upholstery, Vocational Silk Screening, Vocational Meat Cutting, Vocational Bakery, and Vocational Mechanical Drafting Programs. During this same time period, Academic Programs have been affected by attrition, promotion, and the hiring freeze thus causing a staff shortage. Consequently, the Pre-Vocational Program, a GED Program, and three ABE Programs have also been eliminated. The GED curriculum has been absorbed into the remaining ABE Programs. While this still makes GED preparation available, the number of inmates that can be placed into the Education Programs has been decreased.

Are you making use of video instruction or distance learning?

Answer: Yes. Video instruction is used to enhance learning in all Academic and Vocational Programs. Academic teachers enrich student learning through the use of a variety of videos in GED preparation, the ABE curriculum, HSDP studies, life skill instruction and in the acquisition of re-entry skills and attitudes. Occupational training and safety videos are utilized to expand hands-on learning techniques and ensure safety compliance in each Vocational Program.

The Corrections Learning Network has been successfully installed this year and is operational. This programming makes distance learning available to inmates. The Education Department is currently in the process of making its course offerings available to the inmates on both Level III and Level I/II Facilities through its Education Programs and the libraries.

What Work Programs exist at your facility, including Prison Industry Authority (PIA)? What hours do they operate and over what length of time? Is there a waiting list for these programs? If so, how long is it? How many employees are employed in Work Programs?

Answer: Work assignments include conservation camp, porter, kitchen, clerk, yard crew, outside crew, recycle, garbage crew, barber, laundry, canteen, clothing room, firehouse, landscape, service station, snack bar, warehouse, photo lab, maintenance which consists of engineer, carpenter, electrician, general maintenance, mechanic, heat and ventilation, water treatment, drafting, welding, kitchen, painter and plumber positions, and Inmate Day Labor (construction projects). There are also four Joint Venture seasonal assignments which work in the hayfields during the summer months. There is no PIA Program at CCC.

Most programs operate during daytime hours and coincide with custody staff hours. 0600-1400. Other programs operate 1400-2200 hours, and the fewest from 2200-0600. Some kitchen workers begin work at 0300 to prepare the morning meal, and others work until 2100 hours. The majority of camp inmates and certain clerks and other workers in the institution work 0800-1600 hours. Numerous waiting lists are maintained which are specific to assignments available. Many factors determine the length of time it takes for an inmate to receive his first job assignment, including ethnic balance, whether the inmate has been assigned previously and is awaiting reassignment, program availability, and the number of inmates paroling or transferring. The average length of time for initial assignment from the two most common waiting lists is one and one-half to three months.

CCC has approximately 160 employees that are associated with supervision of inmates in Work Programs.

What percentage of the inmates at your institution participate in educational, vocational, and Work Programs (please specify a percentage for each). Please provide a breakdown by race and custody level.

Answer: The inmates who are able to participate in the Education Department's academic, Vocational, and Bridging Programs are determined by their housing. Of the approximate 4,200 total inmates incarcerated at CCC, about 2,700 inmates on the Level I/II Facility and 950 inmates on the Level III Facility have physical access to an education program.

The percentage of inmates at CCC who participate in Educational Programs are provided below by ethnicity:

Inmate Education Program Participation by Ethnicity

Program	Quota	% Total**	% Facility*	% White	% Black	% Mex.	% AMI	% Other
Level I/II Academic	149	3.6	5.5	39.3	22.0	28.3	2.4	7.9
Level III Academic	58	1.4	5.8	29.3	25.9	32.8	3.4	8.6
Level I/II Vocational	127	3.0	4.7	34.7	25.0	30.6	0.8	8.9
Level III Vocational	56	1.3	5.6	45.6	19.6	32.6	0.0	2.2
Level I/II Bridging (BEP)	170	4.0	6.3	47.8	16.0	34.4	0.6	1.2
Level III BEP	56	1.3	5.6	30.3	16.1	51.8	0.0	1.8
PFT (Level I/II only)	150	3.6	5.6	37.3	25.4	26.0	3.3	8.0
TOTAL	766	18.2	22.1/Lvl I/II 17.0/ Lvl III	39	21.5	32	1.7	5.8

** Total of Institution's Population

* Total of Program Facility's Population

The custody level for inmates enrolled in Education Programs on the Level I/II Facility is Medium B or Minimum A. Minimum B inmates are generally assigned work assignment outside the security gates. The custody level for all inmates currently enrolled in the Academic and Bridging Programs on the Level III Facility is Medium A and Close Custody.

What Work Programs are available for life term inmates? What are the limits on job pay numbers for lifers, and what can be done to expand the jobs available to these inmates? If there are security concerns, do these respond to a statewide policy or are they institution based?

Answer: Life term inmates are eligible to participate in all Work Programs except those that would present a security concern, such as an assignment outside the security perimeter or an assignment during the hours of darkness.

There are no limits on job pay numbers for lifers.

Security concerns regarding life term inmates are a matter of State policy. Life term inmates generally are classified as close custody. Title 15, Section 3377.1, Inmate Custody Designations, mandates that close custody inmates shall be permitted to participate in program assignments and activities within the hours of 0600-1800 hours (close A) or 0600-2000 hours (close B). Close A custody inmates are not permitted beyond the work change area. Close B custody inmates are permitted to work within the facility security perimeter. Both classifications are required to be under direct and constant custody supervision at all times.

What is the average reading level of your inmates?

Answer: The average reading level for inmates at CCC is 5.5.

Do you feel that your education and/or Work Programs could be improved? How?

Answer: Yes, these programs could be improved in order to provide educational opportunities for more inmates and to enhance the climate for learning. Most of the inmates

assigned to education were not successful in school prior to their incarceration and many had special education needs.

By combining the distance-learning concept with the traditional classroom setting, these inmate students may become more effective and efficient learners. This approach would reduce the currently required six and one-half hours per day of class time while increasing the number of students able to be served. By reducing class time to three hours with homework assignments, two sessions of more focused and productive students could participate in education programs.

HEALTH CARE:

In your opinion, what is the role of warden in ensuring that health care is being provided in an appropriate and cost-effective manner?

Answer: I view my role as one of support and cooperative compliance. I set the expectation with all staff that departmental mandates and medical court decisions will be maintained in full compliance. Examples include ensuring that inmate requests to the medical department are enforced, inmates on lockdown or in Administrative Segregation have access to medical care, and medication is distributed daily. I work with the Chief Medical Officer routinely on fiscal matters such as the medical budget, contracts, and inmate transportation to medical facilities to strive for cost-effective practices.

What are the current problems or difficulties that challenge health care delivery at your facility?

Answer: One of the most significant challenges related to health care delivery at CCC is providing medical transportation and guarding in a cost effective manner. Due to the remote rural location of Susanville, it is routine to transport inmates to Reno, NV or other large metropolitan cities for the required medical service. A second challenge is the physical plant of CCC. Built in 1963, the Medical Department has severely outgrown the space available in the existing structure. There is a critical need to expand the emergency room, the pharmacy, and office spaces, and scarce fiscal resources to address the need.

Are any steps being taken to improve the medical appeals process? How do you track appeals at the informal level? Who is responsible for medical appeals?

Answer: The medical appeals process is currently a well organized, expedient, and efficient operation. No issues have been identified as needing any improvements.

The Medical Appeals Analyst is responsible for tracking and responding to informal level medical appeals. One exception is that the Chief Dental Officer responds to all dental appeals. The tracking system is automated and used for all levels, including informal.

Medical appeals are responded at the formal level by an appropriate medical staff member, i.e., a Doctor, Medical Technical Assistant, or a Staff Psychologist. The Medical Appeals Analyst assists the medical professionals in the preparation of the appeal responses.

Do you have inmates who are housed in your infirmary beds who might more appropriately be housed in a skilled nursing facility? If so, approximately how many?

Answer: No. CCC does not have inmates housed in infirmary beds who might be more appropriately housed in a skilled nursing facility. CCC operates an "Outpatient Housing Unit" (OHU). An OHU is not a licensed medical facility. Generally, patients are housed in our OHU for periods of 24 hours or less.

What is your institution's policy on charging for co-pays? What constitutes a follow-up visit?

Answer: Co-pay fees are charged in accordance with Title 15, Section 3354.2, which states that inmates shall be charged and inmates shall pay a fee of five dollars (\$5.00) for each inmate initiated health care visit. The fee for this visit shall cover the evaluation, assessment, and medically necessary treatment, including follow up services that relate to the initial condition and which are determined by health care staff to be necessary. Most clinic visits are subject to the five dollar (\$5.00) charge unless they meet the criteria for the co-pay fee to be waived as listed in Title 15. The co-pay is waived for job-related injuries, chronic care clinic visits, emergencies, treatment of communicable diseases, necessary mental health treatment, and annual testing for tuberculosis.

A follow-up visit is a subsequent clinic visit that was recommended by a member of the health care staff.

When inmates arrive from other prisons, what is your policy regarding medication prescribed at other prisons? With regard to "chronos" that have been issued at other prisons? When you transfer inmates to other prisons, do you send prescribed medication information with them?

Answer: The continuity of medication shall be maintained when inmates are received at CCC from other institutions. The Medication Administration Record (MAR) or Unit Health Record (UHR) will be reviewed to make sure the order is valid. The medication will be continued until the patient is seen by a physician or it expires.

Chronos issued at other prisons will also be honored until our physician sees the inmate(s).

When inmates transfer to other prisons, we collect all their medication and verify what is current and confiscate what is not current. The medication is placed in a transfer envelope with the MAR and placed with the Central File and medical file for transport. Prescription medication is transferred with inmates.

Does your institution have difficulties recruiting adequate medical staff? If so, what steps have you taken to remedy this problem?

Answer: Due to the nationwide shortage of nurses, our remote location, and the non-competitive salaries for some medical classifications, we have a difficult time recruiting staff.

We review all applications, contact the applicant(s), and encourage interested candidates to tour our facility. These efforts at times remedy our vacant positions.

How often do you meet with the health care manager and/or chief medical officer? How do you promote collaboration between correctional and health care staff? Is there a specific person responsible for coordinating issues involving both custody and health care?

Answer: I meet with the Chief Medical Officer (CMO) daily.

Custody and Medical staff at CCC enjoy a cooperative working relationship. Staff from both disciplines work side by side for daily duties such as medical transports, lockdowns, and educating issues.

An Associate Warden is designated to meet with the CMO weekly to discuss issues impacting both interests.

What health care personnel are available to your inmates? Who evaluates an inmate's need for medical, dental and mental health care and what is the average wait for non-emergency care? Are any physicians or dentists on prolonged leave for any reason including military leave?

Answer: CCC's health care personnel available to inmates includes Physicians, Dentists, Registered Nurses, Medical Technical Assistants, Pharmacy Medical Records, Eye Specialists, Podiatrists, Psychologists, Psychiatric Technicians, and the Medical Appeals Analyst.

Registered Nurses evaluate an inmate's need for medical, dental and mental health care. The average wait for non-emergency care is five to seven days.

There are no medical or dental staff on prolonged leave at this time. There is one dentist that is a military reservist but is not expected to be activated.

What mental health treatment is available at your institution? How many slots are available and is there a waiting list for these treatment services?

Answer: CCC has one full time licensed Staff Psychologist who is responsible for the evaluation and treatment of inmates. The treatment context can be individual and/or group. The psychologist sees all inmates on an as needed basis.

Psychiatric medication evaluations are accomplished through a referral from the psychologist to a Health Care Services Division Telemed psychiatrist. This medication evaluation takes place on site. When an inmate is diagnosed with a serious psychiatric disorder, treatment is initiated and he is transferred to an institution that has a formal Mental Health mission. These transfers are completed, on average, in less than 21 days. CCC has two licensed Psychiatric Technicians who have the primary responsibility of monitoring the daily functioning of inmates housed in Administrative Segregation. The Psychiatric Technicians may also do the initial mental health evaluation of General Population inmates at the direction of the psychologist.

There is no waiting list for our existing Mental Health Services.

Are priority ducats issued to inmates in need of medical and dental care so that they can be seen throughout the day? What are the specific hours that inmates are seen for routine medical and dental care?

Answer: Priority ducats are issued to inmates in need of medical and dental care between the hours of 0530-1600. The "pill line" hours are 1900-2000. Medical care for emergencies is available 24 hours a day.

What is the "no-show" rate for health care clinics? What steps have you taken to assure that inmates keep their scheduled medical appointments?

Answer: The "no show" rate for CCC's health care clinic is approximately one percent.

If the inmate is a "no show", the inmate housing units are contacted and the inmate is escorted over.

What is your medical budget? Who negotiates and handles your medical contracts?

Answer: Refer to the chart below for medical budget information.

AREA	ALLOTMENTS	YTD EXPENDITURES	PROJECTIONS (Jan 2004)	SURPLUS/ DEFICIT
Personal Services	\$6,103,235	\$4,206,084	\$6,177,042	(\$73,807)
OE & E	\$ 41,627	\$ 20,054	\$ 79,911	(\$38,294)
Consult & Prof Svs (medical contracts)	\$4,690,823	\$1,498,529	\$4,734,212	(\$43,389)
Subst. & Pers Care	\$ 6,525	\$ 6,482	\$ 7,843	(\$1,318)
Subst. & Pers Care	\$1,106,246	\$ 677,948	\$1,269,517	(\$163,271)
TOTALS	\$11,948,446	\$6,409,097	\$12,268,525	(\$320,079)

Medical contracts are handled by our Utilization Management Nurse and/or Director of Nurses.

LAW LIBRARY:

What is your policy regarding the searching of inmates material in the law library? What is subject to confiscation?

Answer: Inmate's material in the law library is reviewed for contraband only. The material is not reviewed for content. Any item that is not related to the inmate's legal work may be confiscated as contraband. Books that are utilized receive a thorough search to ensure they are complete, no pages are torn out, missing or damaged, and contain no foreign materials such as weapons. This is done both when the book(s) are issued and returned. Inmate's legal materials are reviewed to ensure they are related to legal issues only and do not contain torn out pages of law books or non-legal related material.

When is the Law Library open? If the library is closed on specific days, how do inmates access it if those days are inmates days off? What is the charge for copies?

Answer: CCC has two librarian positions. Due to the temporary vacancy of a librarian, the current schedule for the law library rotates weekly, Tuesday through Saturday. The level one yard inmates can access the law library three days per week and the level two yard inmates access it two days a week. The following week this schedule reverses so that the level one inmates receive access two days per week and the level two inmates receive access three days per week. Each open period totals five hours per day. The level III inmates are granted access two days per week, four hours per day. Administrative Segregation inmates receive two days per week, two hours per day.

In the event an inmate is confirmed for Priority Legal Use (PLU), he will receive a priority ducat so that he may have access to the law library in compliance with court orders as well as state mandates. PLU's are always insured that they will have access to the law library in a timely manner as dictated by their pending court case and date.

The charge for photocopies is ten cents (.10) per copy made.

LITIGATION AND SPECIAL PROBLEMS:

Please provide the committee with a list of the following: (1) all pending litigation in which you or your institution is named; (2) any judgments or settlements against you or your institution since you have been Warden; and (3) any existing court orders involving your institution. Please comment on any litigation that has been given a court date, all judgments or settlements, and the status of any court orders.

Answer: Please see the attached CCC Litigation Report (refer to Attachment C). This is a listing of all of CCC's active cases. I am named in a case that originates from Sierra Conservation Center while assigned as Chief Deputy Warden (Wedel vs. CDC), Case #CIV-S-03-0993EJGDAD. Noted is a new case, filed on March 30, 2004 (Terry T-55474 vs. Alameida et al.). This is the first and only case that lists me as a defendant at CCC.

There have been no judgments or settlements against me or CCC since my date of appointment at CCC (September 4, 2003).

There are no existing court orders involving CCC, other than the departmental court orders, such as Coleman, Armstrong, Clark, Plata, etc.

The only litigation case that has a scheduled court date is Morris vs. Dr. Baron and W. Wood. Case #CGC-034-22273. This case was filed in San Francisco County Superior Court. The court date in this case has been tentatively scheduled for January 2005. This case involves incidents that occurred prior to my assignment as Warden of CCC.

How many EEO complaints has your institution received in the past two years? How many of them have been resolved?

Answer: CCC has received a total of 45 EEO complaints in the last two years. Please refer to the breakdown below.

YEAR	EEO COMPLAINTS RECEIVED	EEO COMPLAINTS RESOLVED	EEO COMPLAINTS PENDING
2002	15	12	3
2003	26	24	2
2004	4	1	3
TOTAL	45	37	8


The eight unresolved EEO complaints are pending completion of investigation by the Office of Civil Rights (OCR). CCC generates a quarterly report and is in constant communication with the OCR regarding outstanding EEO complaints.

Are there any special problems that you care to share with the committee? Are there any events in your past that the committee might regard as relevant to the confirmation process that you have not commented on elsewhere?

Answer: As previously reported, I anticipate that the CCC Chapter President of the California Correctional Peace Officer's Association and several members of the Sierra Conservation Center chapter of the California Correctional Supervisors Organization may oppose me at the confirmation hearing.

There are no additional events that I feel are relevant to the confirmation process.

If you have any questions regarding this information, please contact me at (530) 257-3701.


K. PROSPER
Warden

Report Printed On: Thursday, April 15, 2004

CLASSIFICATION	POSITION NUMBER	TENURE	TIME BASE	FRAC	DATE		COMMENTS
					VACANT		
Office Sec Supv. I (G)	068-201-1141-001	PERM	FULL TIME		5/15/2003		
Correctional Administrator, DUC	068-201-9645-001	PERM	FULL TIME		1/13/2004		
Correctional Lieutenant	068-201-9656-014	PERM	PART TIME	0.07	7/1/2003		
Correctional Lieutenant	068-201-9656-507	PERM	PART TIME	0.7	7/1/2003		
Correctional Sergeant	068-201-9659-003	PERM	FULL TIME		2/2/2004		
Correctional Sergeant	068-201-9659-005	PERM	FULL TIME		4/14/2003		
Correctional Sergeant	068-201-9659-007	PERM	FULL TIME		10/25/2003		
Correctional Sergeant	068-201-9659-011	PERM	FULL TIME		11/17/2003		
Correctional Sergeant	068-201-9659-015	PERM	FULL TIME		4/14/2003		
Correctional Sergeant	068-201-9659-016	PERM	FULL TIME		2/2/2004		
Correctional Sergeant	068-201-9659-025	PERM	PART TIME	0.31	7/1/2003		
Correctional Sergeant	068-201-9659-033	PERM	FULL TIME		4/1/2003		
Correctional Sergeant	068-201-9659-501	PERM	FULL TIME		12/31/2003		
Correctional Sergeant	068-201-9659-516	PERM	PART TIME	0.2	5/1/2002		
Correctional Officer	068-202-9662-531	PERM	FULL TIME		12/30/2003		
Correctional Officer	068-202-9662-623	PERM	FULL TIME		8/1/2003		
Correctional Officer	068-202-9662-653	PERM	FULL TIME		1/1/2004		
Correctional Officer	068-202-9662-658	PERM	FULL TIME		7/21/2003		
Correctional Officer	068-202-9662-659	PERM	FULL TIME		7/1/2003		
Correctional Officer	068-202-9662-660	PERM	FULL TIME		7/1/2003		
Correctional Officer	068-202-9662-664	PERM	FULL TIME		10/1/2003		
Correctional Officer	068-203-9662-050	PERM	FULL TIME		1/1/2004		
Correctional Officer	068-203-9662-084	PERM	FULL TIME		10/1/2003		
Correctional Officer	068-204-9662-036	PERM	FULL TIME		1/1/2004		
Correctional Officer	068-204-9662-089	PERM	FULL TIME		10/1/2003		
Correctional Officer	068-204-9662-104	PERM	FULL TIME		10/1/2003		

CLASSIFICATION	POSITION NUMBER	TENURE	TIME BASE	FRAC	DATE		COMMENTS
					VACANT		
Correctional Officer	068-204-9662-118	TEMP	FULL TIME		5/30/2002		
Correctional Officer	068-204-9662-122	PERM	PART TIME	0.33	7/1/2003		
Correctional Counselor III	068-222-9901-001	PERM	FULL TIME		11/30/2002		
Correctional Counselor II, Supv	068-222-9901-003	PERM	FULL TIME		1/1/2004		
Correctional Counselor I	068-222-9904-002	PERM	FULL TIME		3/15/2004		
Correctional Counselor I	068-222-9904-006	PERM	FULL TIME		2/17/2003		
Correctional Counselor I	068-222-9904-009	PERM	FULL TIME		3/31/2003		
Correctional Counselor I	068-600-9904-009	PERM	FULL TIME		8/1/2003		
Correctional Officer	068-608-9662-005	PERM	FULL TIME		4/17/2004		
Correctional Officer	068-617-9662-005	PERM	FULL TIME		1/9/2003		
Correctional Officer	068-617-9662-006	PERM	FULL TIME		11/30/2003		
Correctional Officer	068-618-9662-006	PERM	FULL TIME		3/15/2004		
Correctional Officer	068-627-9662-001	PERM	FULL TIME		4/1/2004		
Correctional Officer	068-631-9662-004	PERM	FULL TIME		1/1/2004		
Correctional Officer	068-631-9662-007	PERM	FULL TIME		6/30/2003		
Correctional Officer	068-631-9662-008	PERM	FULL TIME		1/12/2004		
Correctional Officer	068-632-9662-004	PERM	FULL TIME		12/15/2002		

Report Printed On: Thursday, April 15, 2004

CLASSIFICATION	POSITION NUMBER	TENURE	TIME BASE	FRAC	DATE VACANT	COMMENTS
OFFICE TECHNICIAN (I)	068-211-1139-701	PERM	FULL TIME		6/30/2003	
Correctional Supv. Cook	068-211-2183-005	PERM	PART TIME	0.4	10/1/2000	
Correctional Supv. Cook	068-211-2183-010	PERM	FULL TIME		10/1/2003	
Correctional Supv. Cook	068-211-2183-011	PERM	FULL TIME		6/12/2003	
Correctional Supv. Cook	068-211-2183-017	PERM	PART TIME	0.11	7/1/2003	
Medical Tech Assistant, CF	068-213-8217-007	PERM	FULL TIME		1/21/2002	
Medical Tech Assistant, CF	068-213-8217-011	PERM	PART TIME	0.03	7/1/2003	
Medical Tech Assistant, CF	068-213-8217-504	PERM	FULL TIME		2/1/2004	
Medical Tech Assistant, CF	068-213-8217-507	PERM	FULL TIME		11/3/2003	
Physician & Surgeon, CF	068-213-9269-002	PERM	FULL TIME		4/14/2004	
Physician & Surgeon, CF	068-213-9269-006	PERM	FULL TIME		8/18/2003	
Registered Nurse, CF	068-213-9275-004	PERM	FULL TIME		3/31/2004	
Registered Nurse, CF	068-213-9275-006	PERM	FULL TIME		1/1/2003	
Registered Nurse, CF	068-213-9275-009	PERM	PART TIME	0.22	1/1/2003	
Medical Secretary, CI	068-213-9551-001	PERM	FULL TIME		10/15/2003	
Carpenter III, CF	068-216-6471-002	PERM	FULL TIME		6/5/2003	
Electrician II, CF	068-216-6538-002	PERM	FULL TIME		2/20/2004	
Plumber II, CF	068-216-6594-001	PERM	FULL TIME		12/2/2003	
Stationary Engineer, CF	068-216-6711-007	PERM	FULL TIME		9/15/2003	
Stationary Engineer, CF	068-216-6711-009	PERM	FULL TIME		12/23/2003	
Supv. Blade Trades, CF	068-216-6763-002	PERM	FULL TIME		11/1/2003	
Traction Op Lab, CF	068-216-7560-001	PERM	FULL TIME		7/7/2003	
Psychiatric Technician, CF	068-220-8253-001	PERM	FULL TIME		12/31/2003	
Staff Psychiatrist, CF	068-220-9272-001	PERM	PART TIME	0.5	3/1/2002	
Office Assistant (I)	068-223-1379-002	PERM	FULL TIME		7/1/2003	
Office Assistant (I)	068-223-1379-004	PERM	FULL TIME		7/1/2003	

CLASSIFICATION	POSITION NUMBER	TENURE	TIME BASE	FRAC	DATE VACANT	COMMENTS
Office Assistant (T)	068-223-1379-712	PERM	PART TIME	0.5	5/26/2003	
Office Assistant (T)	068-223-1379-735	PERM	FULL TIME		4/30/2003	
Cor Counselor II, Spec	068-223-9901-001	PERM	FULL TIME		11/30/2002	
OFFICE TECHNICIAN (T)	068-231-1379-701	PERM	FULL TIME		9/1/2003	
Teacher-1IS-Gen Ed, CF	068-231-2290-004	PERM	FULL TIME		2/28/2001	
Teacher-1IS-Gen Ed, CF	068-231-2290-010	PERM	FULL TIME		11/30/2003	
Teacher-Librarian	068-231-2298-001	PERM	FULL TIME		2/29/2001	
Supv Com Educ Programs	068-231-2303-001	PERM	FULL TIME		12/16/2003	
VI-Red & A/C Repair, CF	068-232-2668-501	PERM	FULL TIME		9/2/2002	
VI-Sheet Metal Wk, CF	068-232-2670-001	PERM	FULL TIME		11/17/2002	
histn A/instr/Facilitator	068-233-5658-001	PERM	FULL TIME		11/1/2003	
OFFICE TECHNICIAN (T)	068-234-1139-001	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-001	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-002	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-003	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-004	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-005	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-006	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-007	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-008	PERM	FULL TIME		11/1/2003	
Teacher-1IS-Gen Ed, CF	068-234-2290-009	PERM	FULL TIME		11/1/2003	
Supv Acad Instruction, CF	068-234-2305-001	PERM	FULL TIME		11/1/2003	
Office Technician (T)	068-261-1139-001	PERM	PART TIME		6/14/2003	
Office Technician (T)	068-261-1139-002	PERM	FULL TIME		12/2/2003	
Word Processing Technician	068-261-1181-007	PERM	FULL TIME		11/1/2004	
Word Processing Technician	068-261-1181-501	PERM	FULL TIME		10/31/2003	
Mat & Stores Supv. II, CF	068-261-1505-002	PERM	FULL TIME		11/1/2003	
Accounting Technician	068-261-1741-002	PERM	FULL TIME		12/30/2003	
Laundry Supv I, CF	068-261-2114-001	PERM	FULL TIME		2/24/2001	

ASSIGNATION	POSITION NUMBER	TENURE	TIME BASE	FRAC	DATE VACANT	COMMENTS
Heavy Truck Driver, CF	068-261-6379-501	PERM	FULL TIME		1/1/2001	
Heavy Truck Driver, CF	068-261-6379-504	PERM	FULL TIME		7/1/2001	
Community Res. Mgr. CF	068-261-9608-001	PERM	FULL TIME		1/5/2004	
Office Assistant (1)	068-296-1379-001	PERM	FULL TIME		1/1/2001	

ATTACHMENT A

18

POSITIONS VACANT 6 MONTHS OR MORE

POSITION NUMBER	POSITION	DATE	COMMENTS
		VACANT	
068-201-1141-001	Office Services Supervisor I (Gen)	5/14/2003	Waiting on freeze exemption
068-201-9656-014	Correctional Lieutenant	7/1/2003	.07 position established eff 7/1/03
068-201-9656-507	Correctional Lieutenant	7/1/2003	.70 position established eff 7/1/03
068-201-9659-005	Correctional Sergeant	4/14/2003	lim-term appt. waiting on freeze
068-201-9659-025	Correctional Sergeant	7/1/2003	.31 position established eff 7/1/03
068-201-9659-516	Correctional Sergeant	5/1/2002	.20 position
068-204-9662-122	Correctional Officer	7/1/2003	.33 position established eff 7/1/03
068-600-9904-009	Correctional Counselor	8/1/2003	Position redirected from CMF eff. 8/1/03
068-211-2183-005	Corr. Supv. Cook	10/1/2000	.4 position
068-211-2183-010	Corr. Supv. Cook	10/1/2003	Interviews held 3/04
068-211-2183-011	Corr. Supv. Cook	6/12/2003	Interviews held 3/04
068-211-2183-017	Corr. Supv. Cook	7/1/2003	.11 position established eff 7/1/03
068-213-8217-011	Medical Technical Assistant, CF	7/1/2004	.03 position established eff. 7/1/03
068-213-9269-006	Physician & Surgeon, CF	8/17/2003	New interviews pending
068-213-9275-006	Registered Nurse, CF	1/1/2003	Recruitment in progress
068-213-9275-009	Registered Nurse, CF	1/1/2003	.22 position
068-213-9317-002	Supv. Registerd Nurse, CF	6/23/2003	Position filled eff 4/1/04
068-216-6471-002	Carpenter III, CF	6/5/2003	Transfer appt. pending
068-216-6713-007	Stationary Engineer, CF	9/15/2003	Commitment made. pending medical
068-216-7560-001	Tractor Operator Laborer, CF	7/6/2003	T&D assignment pending
068-220-8253-003	Psychiatric Technician, CF	7/1/2002	Position filled eff 4/1/04
068-220-9272-001	Staff Psychiatrist, CF	3/1/2002	.5 pos. no applicants
068-223-1379-002	Office Assistant (T)	7/1/2003	Pos. trf from CCWF; no freeze ex.
068-223-1379-004	Office Assistant (T)	7/1/2003	Pos. trf from CCWF; no freeze ex.
068-223-1379-712	Office Assistant (T)	5/26/2003	Position filled eff. 4/5/04
068-223-1148-701	Office Technician (T)	9/1/2003	Waiting on freeze exemption
068-231-2290-004	Teacher-HS-Gen Ed, CF	2/28/2003	Abolished 6/30;just received back 3/04
068-232-2668-501	VI-Ref & A/C Repair, CF	9/2/2002	Abolished 6/30;just received back 3/04
068-232-2670-001	VI-Sheet Metal Wk, CF	11/17/2002	Abolished 6/30;just received back 3/04
068-261-6379-504	Heavy Truck Driver, CF	7/1/2003	Waiting on freeze exemption

EMPLOYEE RELATIONS LOG

ERO LOG #	LEVEL OF INV.	JOB TITLE	MISCONDUCT	DATE SVI & FINAL LOP	SKELLY DATE & DECISION	SPB DATE & DECISION
2003-001	I	Correctional Sergeant	Made racial remarks to staff	LOR 2/27/03	LOI 3/11/03	
2003-002	I	Correctional Officer	DUI	3/25/03 5 for 12	LOR 4/1/03	
2003-003	N/A	Correctional Officer	Not turning in 508's	3/27/03 60-day susp	5 for 12 3/27/03	
2003-004	I	Supervising Cook	Discourteous Treatment	5/13/03 LOR	LOR 5/27/03	
2003-006	N/A	Office Assistant	Punctuality/Call-in Procedure	7/24/03 LOR	LOR 7/29/03	
2003-007	I	Correctional Officer	DUI	7/24/03 FOR 6	LOR 7/31/03	
2003-008	N/A	Office Assistant	Dunk on Duty	7/25/03 day susp	5 FOR 6 7/29/03	
2003-009	N/A	Office Assistant	Dunk on Duty	8/12/03 day susp	30 8/14/03 day susp	15
2003-010	I	Correctional Officer	DUI - Late for Work	8/20/03 for 12	10 None	
2003-011	I	Correctional Officer	Gave Inmate disapproved Pkg	8/29/03 for 6	5 9/2/03 LOR	settled 11/5/03
2003-012	II	Correctional Officer	Dunk on Duty	8/27/03 dismissal	9/3/03 dismissal	
2003-013	I	Physician & Surgeon	Negligent in duties as on-call Physician	9/30/03 day susp	30 No Skelly	
2003-014	N/A	Correctional Officer	Positive for Marijuana	10/7/2003	10/10/03 resigned	
2003-015	I	Correctional Officer	Neglect of duty, Missuse of State Property	10 for 12, lx 10/15/03	5 for 12, lx 10/29/03	settled LOR, lx
2003-016	N/A	Office Assistant	Dunk on Duty	resigned 11/19/03		
2003-017	N/A	Correctional Officer	Apprenticeship Procedures	LCR 10/22/03	AWOL 12/31/03	
2003-018	N/A	Office Assistant	Asleep on the job	LCR 11/03/03	LOR 11/25/03	settled LOI
2003-019	N/A	Correctional Lieutenant	Gave perscription meds to staff	via mail 12/16/03	1/6/04 LOI	

4/15/2004

TACHMENT B
EMF. EE RELATIONS LOG

ERO LOG #	LEVEL OF INV.	JOB TITLE	MISCONDUCT	DATE SVD & FINAL LOP	SKELLY DATE & DECISION	SPB DATE & DECISION
2003-020	N/A	Laundry Supervisor	Neglect of Duty	via mail 12/5 person 12/31	NONE	
2003-021	II	Correctional Officer	Viewing Porn on the internet, neglect of duty	3/17/04 10/12 reassign		
2003-022	II	Assistant Food Mgr	EEO	3/27/04 5/12	NONE	
2003-024	II	Psych Tech	failure to follow direction	2/5/04 LOI		
2004-001	II	Electrician II	Terrorist Threats	2/13/04 Dismissal	2/20/04 Dismissal	
2004-002	I	Office Assistant	Misuse of State Time	LOI 2/23/04		
2004-005	I	Correctional Officer	Discourteous Treatment	4/12/04 LOR	4/14/04 LOR	

4/15/2004

ATTACHMENT C

CALIFORNIA CORRECTIONAL CENTER

Litigation Report

4/7/04

Page 1

Plaintiff	CDC #	Case Number	County/Court	Date Case Filed	Defendants	Assign LAD Atty	DAG Atty	Date AG Notified	Discp. Class.	Mail	Visit	Property Trust Funds
Bautista, Shawn	H-27781	960858DFLP/NP	Lassen Superior	5/3/98 CCC			Connie Picciano		N	N	N	N
Rogers, Wilbert	C-72084	97F06344	Sacramento Sup.	9/23/97 CCC-BPT			Lee		N	N	N	N
Brooks, Steven	J-72239	CCW11600	Lassen Superior	9/30/97 CDC			Lee		N	N	N	N
Foster, Jeffrey	J-23571	971974FCDJFMP	Imperial Superior	4/29/98 CAL/CCC			Ryan		N	N	N	N
Jochim, Robert	J-24082	980582DFLDADP	Solano Superior	6/26/98 SOL/CCC			Williams		N	N	N	N
Sneed, Ronald	J-51415	972305WBSGGHP	Imperial Superior	8/4/98 CAL/CCC			Rhillo		N	N	N	N
Kemper, Winston	B-64476	980913LKKGGHP	Lassen Superior	2/17/99 SOL/CCC			Cashdollar		N	N	N	N
Ramirez, Saul	H-84928	990296DFLDADP	Lassen Superior	6/17/99 CCC			Michael Lee		N	N	N	N
Dehaven	C-24860	D029123	Lassen Superior	8/4/97 CCC-BPT			Spiegel		N	N	N	N
Guzman, Carlos	P-29606	EC197102	Los Angeles Sup.	7/19/99 CCC			Lepkowski		N	N	N	N
Brown, Jerome		95E10885	Los Angeles Sup.	9/3/99 CCC			Lucatic, Rene		N	N	N	N
Snyder, Freddy	J-89161	CIV S-99-0931FCDFJFMP	Lassen Superior	11/1/99 CCC/Capt. Redding			Moore, Mary		N	N	N	N
Romandella, Rick	P-37320	CIV S-00-0398 DFLJFMP	Amador	4/27/00 COFCCC, J. Pecknell			David Verhey		N	N	N	N
Castellano	J-44707	33356	Lassen Sup	2/17/00 Dr. Robinson et al					N	N	N	N
Watson	E-03945	CIV S-98-1384 DFLGGHP		4/12/00 Meyers, Eddie Et Al			Wernicke/Brownman		N	N	N	N
Henning, Dianra		34322	Lassen Superior	4/19/01 CDC/CCC			Greg Wallson	11/15/00	N	N	N	N
Nelson, Kevin	P-66024	CIV F-00-6931AWISMSP	USDC East Dist	11/9/00 CDC/CCC			Chris Thomas		N	N	N	N
Rios, Rene	E-33173	CIV S-00-0905WBSGGHP	USDC East Dist	7/5/01 Castro			New		N	N	N	N
Alexander, James	H-83618	00AS06801	Sac Superior	5/1/01 CDC/Castro			Spencer L. Walker		N	N	N	N
O'Barr, Stephen	K-87239	33717	USDC East Dist	6/13/01 Castro, Hall, Sullivan			Michael Lee		N	N	N	N
Torres, Michael	J-74120	CIV S-01-1085-FCD DAO PS	Lassen Superior	7/7/00 Barakat, Bardo			Karen Polli		N	N	N	N
Smith, James E.		33717	USDC East Dist	7/12/01 CCC			James Wernicke		N	N	N	N
Williams, Patricia	P-25698	41893	Sacramento Sup.	4/3/01 CDC			Tamir Warwick		N	N	N	N
Stubbs, Michael	P-33150	CIV S-02-0530WBSGGHP	Lake Superior	3/22/02 CDC			Kristin Dally		N	N	N	N
Barner, Ferrell	P-68940	CIV S-01-1776 GEB DAO P	USDC East Dist	7/2/02 C/O Garate/Dr. Bardo			Andy Garza		N	N	N	N
Pastori, Fredetoo		36635	USDC East Dist	8/5/02 Dr. Bardo			Michael Lee		N	N	N	N
Martinez, Isabel	P-19965	CIV S-02-2688 LKK PANP	Lassen Superior	11/7/02 State of Cal, CDC, CCC			Scott Wyckoff		N	N	N	N
Brooks, Andrew	J-55079	CIV S-00-2340 DFLGGHP	USDC East Dist	4/25/03 C/O MALLORY			Noraen Skelly		N	N	N	N
Campos, Jose		CGC 034 22273	USDC East Dist	11/15/02 Castro, et al			Steve Perkins		N	N	N	N
Morris, D.	H-58049	103-CV/814243	SF Superior	7/9/03 Dr. Barron, W.Wood			Steve Perkins		N	N	N	N
Irby	T-33695	CIV S-03-210 FCD GGHP	Santa Clara Superior	7/14/03 CCC			Raymond Hamilton		N	N	N	N
Malone	P-77769	CIV S-02-2369 LKK PAH P	USDC East Dist	2/3/03 Castro, et al			Tom Blake		N	N	N	N
Phelon	J-27712	CIV S-03-1769 LKK PAH P	USDC East Dist	8/18/03 Sizemore, Gower			David Carrasco		N	N	N	N
Cannon		38737	USDC North Dist	10/9/03 Fann, Sner, Rogers, Givert, Whelan, Miss			Kelli Hammond		N	N	N	N
McClure	T-55474	CIV S-03-2378 MCE GGHP	Lassen Superior	1/23/04 CDC, Dr. Pompey			Donna Criswell		N	N	N	N
Terry			USDC East Dist	3/30/04 CDC, Prosper Et Al			Maribel Archibald		N	N	N	N
							Maw		N	N	N	N

ATTACHMENT C

CALIFORNIA CORRECTIONAL CENTER

Litigation Report

4/7/84

Page 2

Plaintiff	CDC #	Case Info Records	Cit. Comp.	Med/ Psy	Liv. Cond.	Legal Acc/Crt Law Lib.	Prog. Gang SHU	Seg. Re-Entry	Transfer	ADA	Other	Status	Comments
Baulista, Shawn	H-27781	Y	N	N	N	N	N	N	N	N	N	Active	Hold Pest Release Date Due To CDC-115
Rogers, Wilbert	C-72084	N	N	N	N	N	N	N	N	N	N	Active	Hearing Arrest Report
Brooks, Steven	J-72739	N	N	N	N	N	N	N	N	N	N	Active	CCR 3174, Illegal Family Visits
Foster, Jeffrey	J-23571	N	N	N	N	N	N	N	N	N	N	Active	Eye Injury at CC #22
Jochim, Robert	J-24082	N	N	Y	N	N	N	N	N	N	N	Active	Dental - Jaw Injured
Sneed, Ronald	J-51415	N	N	N	N	N	N	N	N	N	N	Active	Denied Witnesses At Hearing
Kirper, Winston	B-64476	N	N	Y	N	N	N	N	N	N	N	Active	Arch Supports
Ramirez, Saul	H-84928	N	N	Y	N	N	N	N	N	N	N	Active	Medical - Rectum
Dehaven	C-24860	N	N	N	N	N	N	N	N	N	N	Active	BPT Acceptance of Sentencing Error
Guzman, Carlos	P-29606	N	N	N	N	N	N	N	N	N	N	Active	Unknown Issue
Brown, Jerome	J-89161	N	N	N	N	N	N	N	N	N	N	Active	Restricted Custody/Issue
Snyder, Freddy	P-37320	N	N	N	N	N	N	N	N	N	N	Active	CDF Camp Welding Shop fumes & crew bus window/exit screens
Romaniello, Rick	J-44707	N	N	N	N	N	N	N	N	N	N	Active	Alleges broken bone set incorrectly
Casillano	E-03945	N	N	N	N	N	N	N	N	N	N	Active	Personal Injury/Civil Rights Violation
Walton	P-66024	N	N	N	N	N	N	N	N	N	N	Active	Discrimination due to disability
Heming, Dianna	E-33173	N	N	N	N	N	N	N	N	N	N	Active	Claims medical indifference, Racial discrimination
Melton, Kevin	H-83618	N	N	N	N	N	N	N	N	N	N	Active	Claims harassment, neglect of duty
Rios, Rene	K-87239	N	N	N	N	N	N	N	N	N	N	Active	Denied Access Law Library - PLU
Alexander, James	J-74120	N	N	N	N	N	N	N	N	N	N	Active	Hostile Work Environment, Retaliation
O'Barr, Stephen	P-25698	N	N	N	N	N	N	N	N	N	N	Active	Medical Malpractice
Torres, Michael	P-33150	N	N	N	N	N	N	N	N	N	N	Active	Violation of 1st and 14th Amendment
Smith, James E.	P-68940	N	N	N	N	N	N	N	N	N	N	Active	Discrimination/Harassment
Williams, Patricia	P-19965	N	N	N	N	N	N	N	N	N	N	Active	Injury - Not work related
Stubbs, Michael	J-55079	N	N	N	N	N	N	N	N	N	N	Active	Claims job related injury - loss of work credits
Barner, Ferrell	H-58049	N	N	N	N	N	N	N	N	N	N	Active	Claims psychological damage due to mistreatment
Pasbri, Fredrico	T-33695	N	N	N	N	N	N	N	N	N	N	Active	Claims dissemination of false statements
Marinez, Isabel	P-77769	N	N	N	N	N	N	N	N	N	N	Active	Assaulted due to his "secondary female characteristics"
Brooks, Andrew	J-27712	N	N	N	N	N	N	N	N	N	N	Active	Asbestos exposure, poor medical care
Campos, Jose	T-55474	N	N	N	N	N	N	N	N	N	N	Active	Retaliation
Morils, D.		N	N	N	N	N	N	N	N	N	N	Active	Staff negligence Re: Injury
Libby		N	N	N	N	N	N	N	N	N	N	Active	PFT Reject, bulging disk, failed to get to Doctor
Malone		N	N	N	N	N	N	N	N	N	N	Active	R/YR - Sexual Harassment
Phebn		N	N	N	N	N	N	N	N	N	N	Active	Retaliation, conspiracy, oppression, discrimination, etc.
Canon		N	N	N	N	N	N	N	N	N	N	Active	Sexual Harassment
McCure		N	N	N	N	N	N	N	N	N	N	Active	Pending Legible Archive - Camp Denied
Terry		N	N	N	N	N	N	N	N	N	N	Active	

TOTAL P.29

DEPARTMENT OF CORRECTIONS

Pleasant Valley State Prison

Office Box 8500

Sacramento, California 93210



191

James Yates Responses

The Honorable John L. Burton
Member of the Senate
State Capitol, Room 420
Sacramento, California 95814-4900

Dear Senator Burton and Senate Rules Committee Members:

This memorandum is in response to the Senate Rules Committee questions dated March 31, 2004. Thank you for allowing me to share information regarding Pleasant Valley State Prison (PVSP) and myself.

STATEMENT OF GOALS:

It is my goal to successfully manage PVSP through these unprecedented fiscal and public relations crisis. Every sector of State and local government is seeking to find new methods of conducting their business, to reduce expenditures, and streamline operations. We have endured a number of negative events within the Department, and we need to reestablish our credibility. As we move forward through these extremely challenging times, I hope to provide a stable, responsive command structure that will guide PVSP through the necessary changes we must make. Staff, inmates, and the public dislike upheaval, and are by nature apprehensive regarding how we will adapt to reduced staffing, fewer services, and an uncertain economic future. Certain risks are inherent with prison operations, and all parties tend to magnify those risks when their personal interest is at stake.

As the Warden of PVSP, I have endeavored to provide a visible presence and reassurance that we will meet the challenges ahead, and we will stabilize our organization. I intend to establish and maintain clear lines of communication with staff, inmates, and the public, as we embark on the remodeling of our prison system. I am certain my staff and the community have confidence in my ability to manage through any adversity we may face. Public safety will remain our highest priority.

BUDGET:

What steps will you be taking to address projected budget reductions?

I have been meeting with managers and supervisors to assess the effects of the mandated budget reductions. Once the certain effects are identified, workgroups will implement the reductions within the constraints of the budget. When the budget reductions have been implemented, a weekly review will be held to ascertain any changes needed to correct any outstanding issues. The negative impact of the reductions will be reported to California Department of Corrections (CDC) headquarters. In the interim, every facet of our daily operations will continue to be scrutinized to verify the need to expend resources. Staff will continue to evaluate operations and explore ways to reduce costs.

APR 23 2004

Honorable John L. Burton
James A. Yates
Senate Rules Committee Questions
Page 2 of 28

How will these reductions affect inmate programming, staffing, and health and mental health care of inmates?

We are looking at all possibilities to minimally impact inmate programming. When we anticipate changes that will impact the inmate population, meetings will be arranged with the Inmate Advisory Council (IAC) and the Inmate Family Council. Until specific reductions are implemented by CDC, the exact issues cannot be determined.

Are you currently operating within your authorized budget?

No. Our prison budget is divided into two programs. Program 21 includes all prison functions except Health Care. Program 22 is the Health Care budget for each prison. In our February Monthly Budget Plan, we identified a total deficit of \$7,288,073. Program 21 has a deficit of \$2,186,371, with a total allotment of \$99,369,456. Program 22 has a deficit of \$5,101,702, with a total allotment of \$18,566,806.

The major deficit in Program 21 is attributed to the negative \$10,482,125, Salary Savings line item in the Personal Services category. This negative line item is only partially offset by true salary savings in non-posted positions. These positions are generating some savings if not currently filled by employees. The negative line item labeled "Salary Savings" has increased over the past several years due to a funding gap identified by the CDC. This unfunded amount includes items such as the cost of merit salary adjustments not funded by the Department of Finance. The total unfunded amount is divided among the prison budgets, indicating the Salaries & Wages costs are not fully funded.

Given this large negative drain on the Program 21 Budget, I believe we are doing a good job of managing PVSP's allotment.

Program 22 (Health Care) has an extremely different type of deficit. The Health Care budget deficit is driven by many of the same cost increases that affect our own personal medical care. The two areas creating the deficit are Contract Medical (doctors and hospitals) and Medical Supplies (pharmaceuticals).

The Contract Medical line item includes contracts for specialists, emergency care, acute care hospitalization, medical, and mental health registries. The registry costs are steadily rising with an increase in nursing positions mental health positions, and vacancies. Pharmaceutical costs are rising as we receive more inmates requiring mental health treatment and as drug prices generally increase.

The Contract Medical cost projection may drop toward the end of the fiscal year, as we disencumber the unused amounts of various contracts. The pharmaceutical costs are under constant scrutiny by the Chief Medical Officer (CMO) and staff to ensure strict adherence to formulary and protocols.

Driving factors with extremely high costs associated in medical care include the major court cases impacting CDC, including Plata, Coleman, Armstrong, etc., which have led to increases in

Honorable John L. Burton
James A. Yates
Senate Rules Committee Questions
Page 3 of 28

required staffing to deliver services. However, these staff positions are virtually impossible to fill. The difficulties in filling these court ordered positions result in extremely high costs associated with the use of registries to meet staffing requirements.

STAFFING:

Please provide a list of existing vacancies and identify the effort you are making to address long-term vacancies or any other staffing problems such as nursing positions. Please provide information for custody, non-custody and health care positions that identifies positions that have been vacant longer than six months.

The statistical information requested is attached (See Attachment A), listing the number of established positions, vacancies, vacancies over six months, and the status of recruitment efforts to fill the positions. PVSP currently has 78.87 vacancies. Of those, 31.20 have been vacant over six months. Within the limitations of hiring freezes, program changes, budget reduction issues and an extremely competitive job market for some classifications, PVSP has been actively pursuing viable candidates. We continue to use resources such as job opportunity bulletins, lateral transfer requests, job fairs and, of course, word of mouth.

See Attachment A – Current Vacancy Report

Please provide data on the sick leave usage of all staff for each of the last 12 months including data on the use of long-term medical leave.

See Attachment B – Sick Leave Hours Used by All Staff

PERSONNEL ISSUES AND EMPLOYEE DISCIPLINE:

As Warden, what steps have you taken to combat sexual harassment and/or discrimination? Please provide any data regarding pending complaints.

As the Warden of PVSP, I am committed to providing a workplace in which all individuals are treated with respect and professionalism. Upon my arrival at PVSP, one of my first priorities was to meet with the Equal Employment Opportunity (EEO) Coordinator to discuss the status of any ongoing complaints and to express my expectations regarding the EEO process.

I submitted a memorandum addressed to all staff outlining my expectations, and I have been in contact with the Office of Civil Rights arranging additional training for all EEO Counselors. I continue to meet with the EEO Coordinator on a weekly basis to stay abreast of all related matters.

To ensure compliance with departmental policy, all employees were required to take an additional two hours of training last year. Supervisors and managers were required to take the same training, plus an additional two hours of training specific to their responsibilities. With this training, all employees were provided a clear direction regarding their right to a non-

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 4 of 28

discriminatory work environment, as well as their respective responsibilities in preventing, reporting and correcting unprofessional or discriminatory conduct.

Because all forms of discrimination are unprofessional, and may damage an individual's career and well being, I am committed to strictly enforcing the department's policy regarding discrimination and sexual harassment.

**EQUAL EMPLOYMENT OPPORTUNITY
 DISCRIMINATION COMPLAINT ACTIVITY LOG**

RESPONDENT	BASIS OF COMPLAINT	CURRENT PROCESSING UNIT	DATE COMPLAINT RECEIVED
Case Records Manager	HARASSMENT/RETALIATION	OCR	8/1/02
Associate Warden	HARASSMENT/RETALIATION	OCR	10/31/02
Office Services Supervisor I	HARASSMENT/RETALIATION	OCR	8/22/03
Warden	REASONABLE ACCOMMODATION	OCR	11/22/02
Lieutenant	SEXUAL HARASSMENT	OCR	3/25/03
C/Officer	SEXUAL HARASSMENT	LAD	5/15/03
Facility Captain	SEXUAL HARASSMENT	OCR	5/20/03
Warden; Chief Deputy Warden; Associate Warden	RACE	OCR	6/13/03

Please provide data on each employee disciplinary action taken in the last 12 months indicating the staff level of the employee, the alleged misconduct, the results of any investigation, the level of investigation, the results of the investigation (sustained or not sustained and the action taken, if any).

In the past 12 months PVSP has initiated 86 internal affairs investigations. Of these, 23 are still being investigated, 6 are pending disciplinary actions, 5 have been unfounded, 4 voided, 4 exonerated, 2 supervisory issues, 16 cases have not been sustained and 26 cases have been sustained with the listed actions taken against staff:

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 5 of 28

TYPE OF ACTION	TOTAL ASSESSED
Letter of Reprimand	6
Letter of Instruction	1
Retired prior to Adverse Action	3
5% X 6 months	2
5% X 3 months	1
1123/Verbal Counseling	5
Resigned prior to Adverse Action	2
Dismissal	2
AWOL Termination	1
Non-Punitive Dismissal	2
30 Day Suspension	1

See Attachment C – Adverse Action/Category I & II 2003

See Attachment D – Adverse Action/Category I & II 2004

What criteria do you use to determine whether alleged misconduct warrants a Category I or Category II investigation?

Investigations are classified as Category I or Category II, utilizing guidelines set forth in the Department of Corrections Operations Manual (DOM), Section 31140.3.

A Category I Investigation is generally performance related employee misconduct, which may reasonably be performed by facility or Investigative Services Unit (ISU) staff, and do not pose a serious threat to the safety and security.

A Category II Investigation is typically more serious employee misconduct that is outside the scope of normal employee supervision. Generally, Category II Investigations involve outside organizations, large numbers of staff, and/or resources that are not available at the prison level. The Office of Investigative Services may, based on resources and the nature of the case, request a Category II Investigation be completed by PVSP's investigators.

What criteria do you use to determine the level/severity of discipline imposed?

I evaluate each case based on its individual merit to determine the appropriate action. The circumstances, employee's work history, disciplinary history, and the gravity of the offense are all considered. The Employee Relations Officer contacts Labor Relations to review comparable cases, to ensure the employee receives fair, impartial, and consistent treatment, and insure there is no disparate treatment.

PVSPs discipline system includes preventative, corrective, and adverse actions in which one or more of a series of measures are taken to correct or to respond to an employee's failure to meet work standards or objectives, or to follow rules of conduct. Communication and training are critical factors in ensuring that employees are aware of their responsibilities and are

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 6 of 28

knowledgeable in the policies, procedures, regulations, and law. My goal is to bring the employee into compliance with expectations or remove them from employment, if warranted.

How many staff are currently using administrative time off because of pending investigations?

There are no staff members currently on Administrative Time Off at PVSP.

What have you done to ensure that employees follow both CDC regulations and the law? Have you taken any steps to address what is referred to as the Code of Silence?

I continually convey to all prison managers my expectations that all employees in their areas of supervision be continually trained and advised of their responsibility to follow the DOM, California Code of Regulations (CCR), Title 15, all prison Operation Procedures (OPs), and all other departmental directives. I also ensure prison OPs and DOM Supplements are reviewed, updated, and revised yearly to maintain compliance with departmental regulations and State and Federal laws. Furthermore, I distribute non-confidential OPs and DOM Supplements to specified areas of the prison for staff access. Staff are made aware of locations in the prison where they can review confidential OPs and DOM Supplements. If I am informed by local law enforcement of staff misconduct while off duty, I take appropriate action ranging from informative memorandums to formal investigations to correct the misbehavior.

Recently, a memorandum entitled, "Zero Tolerance Regarding The Code Of Silence," was issued to all departmental employees. During a meeting with executive and managerial staff, I reiterated to the department heads my expectations regarding the Code of Silence. I have also distributed copies of the memorandum and instructed executive and managerial staff to discuss the memorandum with staff during their weekly training sessions. To ensure all employees received a copy of the memorandum, I had it issued with the March 2004 payroll checks. It was printed in the April In-Service Training Bulletin, and enlarged copies of the memorandum were posted in high traffic areas for staff observation, thus serving as a reminder.

I will continue to emphasize to all PVSP staff the importance of following department regulations and the law while being above reproach. We, as a Department, have received an extraordinary amount of negative publicity in recent years. While the vast majority of staff are exemplary, that "1%", as I refer to them, is who the public hears about. I intend to continue stressing the importance of positive public image and the importance of regaining the public confidence by doing what I can to eliminate the "Code of Silence" where it still exists.

INMATE RELATIONS:

What problems are you experiencing regarding inmate violence at your institution? How are you responding to those problems, especially in terms of violence reduction strategies?

PVSP has been fortunate to have minimal inmate violence on the Level III and Level I General Population (GP) yards. Recent inmate violence that has occurred was a riot on Level III,

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 7 of 28

Facility B, involving Southern Hispanics, Mexican Nationals, and Black inmates. Another occurrence was a riot on Level III, Facility A, involving White and Black inmates. Determining the causative factors and the inmates involved are always essential to our staff in resolving disturbances and returning to normal program activities. Our staff has been diligent in information gathering by conducting in depth interviews with involved and non-involved inmates. The IAC has been a valuable resource to staff, relaying information to the GP during Facility lockdowns, and sharing inmate concerns.

Violence reduction strategies begin with the classification process, where staff review all available data located in the inmate's Central File, consider verbal input by the inmate, input from staff, and their observations. The best resource we have is our experience, and we use it to place the inmate in a location that both meets his security needs and provides the best opportunity for successful programming.

Our housing unit staff continuously monitor inmate activities and changes in general behavior for any signs that a problem may be developing. Monitoring mail, telephone calls and receiving information from confidential sources are some of the methods to identify issues which pose some potential for violence. Continuous efforts are also made relative to drug interdiction. Within a prison setting, most violence is related in some manner to drugs, be it dealing, trafficking, or simply money owed for their purchase.

Staff at all levels are encouraged to listen to inmate concerns, evaluating their needs in relation to legitimate penological interest. I encourage my staff to address concerns with the individual inmates or groups such as the IAC. These actions provide proactive communication lines, which reduce inmate unrest.

Please provide data on the number of formal and informal 602s, custody and medical, filed by inmates, by yard, in the last 12 months and the time to respond to those appeals. Do you have data on how many 602s have been "screened out?"

Number of 602s filed between March 2003 - March 2004

	FAC A	FAC B	FAC C	FAC D	FAC E	AD-SEG	Other/CTC	TOTAL
Formal 602s	756	694	924	920	198	257	60	3809
No. of 602s screened out	843	674	937	932	120	315	66	3887

Per departmental policy informal appeals are not tracked. Many appeals are resolved at the informal level and are never forwarded for formal responses.

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 8 of 28

Screened out appeals are returned to the inmates for the following reasons:

	Estimated Percent of Total Returns
Informal responses	70%
Missing documents	20%
Not within CDC/jurisdiction/timeframes	10%

Breakdown between Non-Medical versus Medical issues

	FAC A	FAC B	FAC C	FAC D	FAC E	AD-SEG	Other/CTC	TOTAL
Non-Medical issue	535	520	594	605	150	209	50	2663
Medical issue	221	174	330	315	48	48	10	1146

NOTES: Appeals that are only medical in nature are routed to Health Care Services for responses. Non-Medical appeals cover a wide variety of issues, such as Americans with Disabilities Act (ADA), living conditions, discipline, mail, funds, transfers, legal, property, and visiting.

Estimated average timeframe for response between March 2003 - March 2004 (listed in number of business days)

	FAC A	FAC B	FAC C	FAC D	FAC E	AD-SEG	Other/CTC
Non-Medical – 1 st Level	15	30	15	15	15	15	15
Non-Medical - 2 nd Level	15	15	15	15	15	15	15
Medical – 1 st Level	30	30	20	30	30	30	15
Medical - 2 nd Level	45	45	35	35	45	45	15

How many lockdowns have occurred at your institution in the past year? Please indicate the duration, specific unit location, the approximate number of inmates involved, and the reason.

Number of Lockdowns are as follows:

FACILITY	START/END	DAYS	INMATES INVOLVED	REASON
FACILITY A	3/25/03 4/14/03	20 Days	1054	Discovery of inmate manufactured weapons Total Lockdown
FACILITY A	4/18/03 4/24/03	6 Days	1032	Riot Mexican National/ White/Southern Hispanics
FACILITY A	9/14/03 9/24/03	10 Days	1070	Discovery of a weapon- Total Lockdown

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 9 of 28

FACILITY	START/END	DAYS	INMATES INVOLVED	REASON
FACILITY A	12/29/03 1/13/04	15 Days	87	Riot-Mexican Nationals
FACILITY A	1/20/04 3/9/04	48 Days	557	Riot-Blacks and Whites
FACILITY B	6/7/03		1082	Riot-Northern Hispanics and Southern Hispanics
	6/17/03	10 Days	411	(released all non-Hispanic inmates)
	6/26/03	19 Days	286	(released Hispanics not affiliated with Northern/Southern Hispanics)
	7/8/03	31 Days	45	Released Southern Hispanic inmates
	2/23/04	261 Days		Released Northern Hispanic inmates
FACILITY B	8/3/03 8/15/03	12 Days	1117	Discovery of uncontrolled weapons Total Lockdown
FACILITY B	8/17/03 8/20/03	3 Days	122	Battery on an inmate-Mexican Nationals
FACILITY B	8/27/03 9/2/03	6 Days	253	Attempted Murder on an Inmate with a Weapon-White
FACILITY B	9/11/03 9/15/03	4 Days	1118	Written threats toward staff Total Lockdown
FACILITY B	10/12/03 10/16/03	4 Days	4956	Riot-lethal force used Southern Hispanic, Mexican National and Blacks Lockdown of Facilities A, B, C & D
	10/17/03	5 Days	1086	Facilities A, C, & D released
	11/24/03	42 Days	409	Whites, Blacks and Others released
	12/16/03	64 Days	333	Released Mexican Nationals
	2/23/04	133	234	Released Northern Hispanics

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 10 of 28

FACILITY	START/END	DAYS	INMATES INVOLVED	REASON
Continued from previous page	4/8/04	179 Days	234	Southern Hispanics continue to be on lockdown
FACILITY B	1/6/04 1/6/04	1 Day	1111	Missing Oven Rack- Total Lockdown
FACILITY C	3/3/03 3/15/03	12 Days	1048	Missing fence ties Total Lockdown
FACILITY C	6/15/03 6/30/03	15 Days	1136	Attempted Murder on a Peace Officer
FACILITY C	9/23/03 9/27/03	4 Days	1118	Missing metal stock Total Lockdown
FACILITY C	12/8/03 12/10/03	2 Days	46	Assault on an inmate Bulldogs
FACILITY D	4/2/03 4/10/03	8 Days	1052	Possible inmate sit-down Total Lockdown
FACILITY D	6/29/03 7/8/03	9 Days	928	Riot-Hispanics
FACILITY D	1/8/04 1/12/04	4 Days	916	Discovery of weapons Total lockdown

What is your policy with regard to lockdowns and the extent to which they have the least impact on uninvolved inmates?

It is my policy to return to normal operations following an incident as quickly as staff can determine that it appears to be safe to do so. While safety and security will always be the highest priority, staff endeavors to identify the cause of the situation, isolate those involved and impact the least number of inmates possible. Pending the return to normal program, involved inmates are placed on modified program. Inmates who are identified as uninvolved in the incident are returned to normal programming.

What is your relationship with the Men's Advisory Council? How often do you personally meet with them to hear their concerns?

My relationship with the IAC is very good. At PVSP, due to the split missions that includes both GP and Sensitive Need Yard inmates, I actually meet with two separate councils. I have found both groups to be very willing to serve in their roles as conveyors of information between administration and the inmate population. I am scheduled to meet with them quarterly. However, I have conveyed to them we will meet as often as needed, simply by having them submit an agenda of items to discuss. I have also put in place the practice of giving them a written response to all agenda items at the time of the meeting. While I will discuss their issues in detail, they leave the meeting with something in hand to share with the inmate population. This has been very well received.

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 11 of 28

OVERCROWDING:

Please provide a summary of your inmate population including custody level and ethnic background.

Custody Designation: As of 4/7/04

Custody	Number of Inmates	Percentage
Minimum	474	9.60%
Medium	2847	57.64%
Maximum	185	3.75%
Close A	211	4.27%
Close B	1222	24.74%
Total	4939	100%

Ethnic Breakdown: As of 4/7/04

Ethnic	Total	Percentage
Black	1257	25.45%
Hispanic	2001	40.51%
White	1361	27.56%
Other	320	6.48%
Total	4939	100%

What is the capacity of your institution and at what percentage over that number are you operating?

Capacity: As of 4/7/04

Facility Level	Design Capacity	Count	Over Capacity
I	208	354	170.19%
III	2000	4585	229.25%
Total	2208	4939	223.69%

RECIDIVISM:

What are you doing to reduce recidivism? Are inmates assessed with a pre-release program that is developed based upon their individual needs? Do any of your pre-release programs incorporate inmates' families? How much time per day/week is an inmate involved? How will these programs, if any, be impacted by any proposed budget reductions?

The mission at PVSP is one of education and training. The main effort to reduce recidivism at PVSP is accomplished by the large number of Education and Vocational training programs offered to the population. The goal is to assist the inmates in getting their GED and/or attain vocational competence with professional certification whenever possible. All programs offer Life Skills instruction along with the traditional curriculum.

Honorable John L. Burton
James A. Yates
Senate Rules Committee Questions
Page 12 of 28

Through the Education Department, there are also programs offered that are designed specifically to help inmates cope with the transition to the outside world. Specifically, they are:

Re-Entry: This program is designed as a voluntary, three-week classroom program for inmates with less than 120 days until parole. The emphasis is on providing information they will need to meet practical needs such as working with their parole agent and applying for a driver's license. Also included is information about controlling substance abuse and anger, developing parenting and family skills, and finding employment. Re-entry is offered on a rotational basis throughout the facilities. When the program is not being offered, inmates may request an information packet providing the same information.

Conflict Resolution: This is a three day program taught by a team of teachers who have received specialized training in the subject matter and presentation tactics. This program is offered on a rotational basis throughout the prison and is designed to offer inmates tools to resolve conflicts in a non-violent and productive manner.

Conflict/Anger Lifelong Management (CALM): This is a seven week program designed to help students control anger and the behavior that results from anger. The curriculum helps them understand how anger affects their lives and that of their families. The curriculum offers tools to help them control their anger and their behavior.

Bridging Education Programs (BEP): The BEP is designed to get inmates thinking about their goals and plans from the time they are incarcerated. Included in the curriculum are self-assessments and planning tools that are used by individual inmates to help them plan, with the help of their instructor, what their course(s) will be while incarcerated and after parole.

In addition to the Education programs, PVSP also has two separate Substance Abuse Prevention programs offered on Facilities B and C. The programs are designed to assist inmates through therapy, counseling, education, and aftercare to cope with their problems.

Finally, PVSP offers counseling and assistance through Alcoholics Anonymous, Narcotics Anonymous, and Laubach Literacy groups sponsored by volunteers among the staff. The chaplains and religious leaders employed at PVSP also offer programs and information that help inmates improve their lives and prepare for release. None of the above modified programs incorporate inmate families.

DRUGS:

How are you addressing the problem of inmate access to illegal substances? What specific steps have you taken to eliminate potential sources?

Understanding that drugs are a major problem in prison settings, staff continuously remain vigilant for ways inmates attempt to traffic drugs. ISU staff gather intelligence from various sources and work collaboratively with other law enforcement agencies in an effort to prevent drugs from getting into the prison. Within the prison, we use the following strategies:

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 13 of 28

- Screen inmate visitor applications.
- Inspect inmate mail.
- We have changed to vendor only packages.
- Inmates are required to participate in the Random Drug Testing Program.
- Inmates attend Substance Abuse Programs.
- The ISU conducts investigations on inmates, civilians, and staff who are suspected of introducing illegal substances into a prison.
- Inmate telephone calls are monitored.
- Leads from confidential informants are investigated.

EDUCATION AND WORK PROGRAMS:

What educational and what vocational opportunities exist at your facility? What hours do they operate, in which yards, and over what length of time? Is there a waiting list for these programs? If so, how long is it? What programs have been eliminated or downsized in the last twelve months?

Academic programs are located on all four Level III facilities. They are primarily located in the Program Office complex although a few are located in the Vocational yards. The classes provide Adult Basic Education (ABE) at levels consistent with student needs. ABE I serves students with a reading Grade Point Levels (GPL) of 3.9 and below, ABE II serves those with reading levels between 4.0-6.9, and ABE III/GED serves students with reading levels of 7.0 and above. Other academic programs include: English as a Second Language (ESL) for non-English speakers, Re-Entry for inmates within 120 days until parole, Incarcerated Youth Offenders (IYO) college classes for inmates under 25 years of age, and an Elementary Secondary Education Act (ESEA) Federal Title I pull-out tutorial program for eligible inmates under the age of 21.

There are vocational programs located on all four Level III facilities. These programs are located primarily in the Vocational yards attached to the back of each of the Level III facilities. The programs are designed to offer something for all interests, from Office Services and Related Technology to Welding. The vocational programs are generally grouped by type on each yard. For example, Facility B houses the building trades while Facility D houses industrial trades. The list of specific vocational programs includes: Dry Cleaning, Janitorial Maintenance, Computer Repair, Landscaping, Graphic Arts, Office Services & Related Technology, Building Maintenance, Electrical, Plumbing, Refrigeration & Air Conditioning, Mill & Cabinet, Carpentry, Masonry, Electronics, Precision Instrumentation, Computer Refurbishing, Office Machine Repair, Small Engine Repair, Automotive Mechanics, Automotive Painting, Automotive Body & Fender, Automotive Detailing, Welding, and Machine Shop.

Each class is staffed with one credentialed teacher and two inmate workers assigned as classroom aides/clerks. Academic and vocational programs operate Monday through Friday year round and are closed on weekends and holidays. Classes are held daily for 7 hours, with one half hour for lunch, for a total of 6.5 instructional hours of inmate contact time. All inmate students meet the mandated 6.5 work hours to receive participation work credit. All academic and vocational programs are self-paced with open-entry/open-exit enrollment. The amount of

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 14 of 28

time students spend in academic programs varies with student needs. The time it takes to complete a vocational program is dependent on the program and the student, but the average is about two years. It should be noted that entry-level skills necessary for employment can be obtained in less time in most programs (completion is not always necessary).

There are waiting lists for both academic and vocational programs. While lists are maintained for specific programs on each yard, the overall lists for academic, GED, and vocational education are as follows:

Facility	Academic Programs (less GED)	GED	Vocational Programs
A	76	63	118
B	103	31	107
C	34	5	98
D	65	37	137

Programs that have been eliminated in the last 12 months include:

Silkscreen	1 class
Mechanical Drawing	1 class
Stockkeeping and Warehousing	1 class
Upholstery	2 classes
Pre-Vocational Education	2 classes
Academic Education (various)	8 classes

Are you making use of video instruction or distance learning?

Yes, PVSP has two broadcast channels devoted to distance learning and education. These channels are established and maintained through the Media Center on Facility C.

On the main Education channel, we are currently broadcasting the "Living Free" video series, which is available to the entire PVSP population. All PVSP inmates can sign up to participate through the Education Department and receive a certificate once they have completed the program. Other offerings on our Education channel include GED preparation programming for the GP and college coursework through Coastline Community College for IYO participants.

A separate channel was created to accommodate the Correctional Learning Network (CLN) this past year. However, a piece of the new equipment has failed and is being serviced by the manufacturer. After repairs are made, the Education Department is ready to begin enrolling students into the various programs offered on the network as a supplement to classroom

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 15 of 28

instruction. GP inmates who are not enrolled in classes can also be enrolled in the CLN through the Education Department.

What work programs exists at your facility, including Prison Industry Authority? What hours do they operate and over what length? Is there a waiting list for these programs? If so, how long is it? How many employees are employed in work programs.

PVSP does not have any Prison Industry Authority or Joint Venture work programs. However, PVSP does have the following work assignments:

1. Apprenticeship programs (vocations, education),
2. Support services (housing unit porters, housing unit clerks, facility work crews, library, program office clerks, program office porters, culinary assignments),
3. Substance abuse program (specified lifer mentors).

What percentage of the inmates at your institution participate in educational, vocational, and work programs (please specify a percentage for each). Please provide a breakdown by race and custody level.

The percentages of inmates assigned to vocational and academic programs vary, as well as the number of those assigned to work assignments. However, at present, 533 inmates or 10.8 percent of the population is assigned to academic education, 760 inmates or 15.4 percent to vocational education, and 1,896 inmates or 38.4 percent are assigned to support services work positions (housing unit porters, housing unit clerks, facility work crews, library, program office clerks, program office porters, culinary assignments) representing 63.6 percent of the general population. The balance of the inmate population does not have a work assignment due to one of the following reasons:

- Medical status
- Classification status due to disciplinary action
- Administrative Segregation status
- Inmate is on waiting list for a specific program
- Pre-parole or pre-transfer status

The Inmate Assignment Office tracks racial distribution of assignments within individual work or training sites. However, the computerized tracking system is not designed to provide aggregate information, i.e., how many of each race are assigned to academic education. The computer program is designed to maintain racial balance within individual work or education assignments. The guidelines governing inmate assignment dictate that assignments to work and education locations reflect the racial distribution of the prison. This is monitored by the Inmate Assignment Lieutenant and is approximately: 337 Black inmates or 26 percent Black, 519 Hispanic inmates or 40 percent Hispanic, 365 White inmates or 28 percent White, and 78 Other inmates or 6 percent Other. Overall, the work assignments are ethnically balanced with the exception of Facility D (SNY) where the population is based on sensitive needs not ethnicity.

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 16 of 28

What work programs are available for life term inmates? What are the limits on the job pay numbers for lifers, and what can be done to expand the jobs available to these inmates? If there are security concerns, do these respond to a statewide policy or are they institutional based?

All inmates are assigned, based on inmate custody levels, safety and security of the prison. Basically, life prisoners can work any job within the facility security perimeter. Pay numbers are based on specific work assignment skills, not on their prison term. Therefore, there are no limits relative to lifers. The prison's Inmate Pay Committee determines the total number of pay numbers, and their specific dollar amount paid to a position/skill level. The prison does have the ability to create a new pay number, should a new job be created requiring specified skills.

Life term assignments available:

1. Apprenticeship programs (vocations, education),
2. Support services (housing unit porters, housing unit clerks, facility work crews, library, program office clerks, program office porters, culinary assignments),
3. Substance abuse program (specified lifer mentors).

What is the average reading level of your inmates?

The Education Department administers the Test of Adult Basic Education (TABE) to all inmates housed at the prison and maintains scores in a database format. Currently, the average reading level of inmates at PVSP is 8.6 GPL. (Average reading level of 6.6 in ABE; 10.4 in vocational program.)

Do you feel that your education and/or work programs could be improved? How?

The education programs offered at PVSP are of high caliber and are appropriate for preparing adults to re-enter society. However, no matter how well educated or trained an inmate is, if there are few or no placement/transition services offered to inmates after parole, they will have a difficult time finding employment and re-entering society. Placement services for inmates that have been through the education/training process in the prison would be invaluable and are the norm for adult vocational schools outside of prison. I believe the new parole model will be effective in lowering recidivism.

HEALTH CARE:

In your opinion, what is the role of a warden in ensuring that health care is being provided in an appropriate and cost-effective manner?

I am responsible for cohesive medical and custody operations, meeting both Title 22 medical requirements and Title 15 custody regulations. I communicate daily with the CMO and meet weekly with the Medical Department supervisors. I monitor various administrative issues within health care, such as medical appeals, to ensure that they are answered in a timely and appropriate manner. Inmate accessibility to medical care, by way of Plata mandates, involves

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 17 of 28

both custody and medical services. Efficient delivery of these services requires an oversight of both areas by the Warden. The medical budget is a reflection of medical services provided.

The health care budget is reviewed at least monthly. All medical purchases and contracts are closely scrutinized at several levels before I approve them. The current court mandated increase in medical services requires constant vigilance on my part, to ensure our funding meets our mandates.

What are the current problems or difficulties that challenge health care delivery at your facility?

The following are issues we have experienced at PVSP:

Staff Vacancies: We have received a significant increase in our position authority for nursing staff. This increase is needed to meet the Plata legislation for inmate accessibility to medical care. Many of these positions have remained vacant. Several additional medical positions are vacant due to Workers' Compensation. These positions include: Supervising Registered Nurse II, Supervisor; Registered Nurse I; two Psychiatric Technicians; Laboratory Assistant; Medical Technical Assistant (MTA); and Medical Secretary. The medical needs of inmates have expanded due to the aging population, chronic care needs, Disabled Persons Program, Hepatitis C, and Plata legislation requiring increased accessibility to medical care. These factors have increased our use of contracted nursing registries, driving significant costs to our budget.

Currently, there is a statewide and nationwide nursing shortage. Legislation for patient to staff ratios in community hospitals has further escalated this shortage. Nurses are given significant salaries and bonuses to work in community hospitals. Contract registry staff make a significantly higher hourly salary than State nurses, creating a difficult recruiting environment and low morale for present State workers.

We provide flexible Registered Nurse scheduling when possible. Mentor programs, tours, supportive networking, and recruitment of registry staff is a continuing project. We recently hired a Nurse Instructor to mentor new hires providing nursing orientation, continuing education (on site), and On-the-Job Training. We continually promote recruitment of new nurses and retention of existing staff.

Escalating Costs of Pharmaceuticals: Pharmaceutical costs are escalating in the community. Our pharmacy expenditures reflect this trend. At the forefront of this problem is the cost of psychotropic medications. We have approximately 1200 Correctional Clinical Case Management Services (CCCMS) inmates. The majority of these inmates are prescribed psychotropic medication. The State has contracts to maintain lower pharmaceutical costs, but the new community standard psychotropic medications remain costly. We have a Pharmaceutical Review Committee which meets quarterly to review trends and establish protocols to reduce costs.

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 18 of 28

Increased Contract Medical Costs: Costs for contracted community medical care are also escalating. Due to Plata legislation, inmates referred to an outside specialty clinician must be seen within 10 to 90 days. We have a 16 bed Correctional Treatment Center (CTC) with five beds designated Mental Health Crisis Beds, and six beds filled with Long Term Care patients unable to live in the GP. Due to this increase in the Mental Health Population, 9 to 10 CTC beds are often filled with Mental Health patients. We also must accept Mental Health patients from prisons that do not have a licensed medical facilities. This necessitates the transfer of medical patients to community hospitals. We are in an endemic area for Valley Fever. This has promoted long term hospitalization for several inmates. The return of patients from community hospitals may be delayed due to lack of CTC bed space.

To reduce medical costs, we have a Utilization Management Nurse (UMN) to verify cost effective treatment and a UMN scheduler to organize and schedule specialty clinicians which provide services at the CTC. Telemedicine is also used to provide specialty clinician services. Both of these measures decrease custody transportation costs. We have weekly Medical Audit Review Committees. The HCM, UMN, and physicians meet to review specialty consult requests and medical procedure requests. Denial of unnecessary requests and budget savings are tracked by the UMN.

Are any steps being taken to improve the medical appeals process? How do you track appeals at the informal level? Who is responsible for medical appeals?

Improvements in the medical appeal process include an extensive tracking program and tic system. This system is utilized to track appeals at the informal and formal levels. This tracking system can perform queries, identify problem areas and issues, and has a tic system for target dates. PVSPs Appeals Department also has an appeals tracking system to provide a dual system. Our medical department has a Staff Service Analyst (SSA) responsible for processing medical appeals. We are in the process of creating and hiring a clerical assistant position. The CMO reviews issues and trends in medical appeals to improve the delivery of Inmate Medical Services.

Do you have inmates who are housed in your infirmary beds who might more appropriately be housed in a skilled nursing facility? If so, approximately how many?

Yes. We presently have six beds occupied by individuals who could be more appropriately housed in a Skilled Nursing Facility. These inmates are often shuffled to outside hospitals to create space for Mental Health crisis patients. There is a tremendous need for Skilled Nursing Facilities throughout the department. Our present use of CTC beds for this purpose is extremely costly.

What is your institution's policy on charging for co-pays? What constitutes a follow-up visit?

Our institution follows the Departmental policy of a \$5.00 co-pay for each inmate initiated health care visit. This co-pay is void if the patient is indigent. No further co-pay is charged to the patient for follow-up appointments on the original diagnosis.

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 19 of 28

When inmates arrive from other prisons, what is your policy regarding medication prescribed at other prisons? With regard to "chronos" that have been issued at other prisons? When you transfer inmates to other prisons, do you send prescribed medication information with them?

Chronos and prescriptions from other prisons are honored until a PVSP physician reviews the inmate's health records. Non-emergency medical appointments for chrono and medication review can be scheduled within 2 to 3 days of inmate arrival. The yard physician will medically assess and evaluate the patient. New orders for chronos and medications are written at that time. The physicians have "chrono review" meetings every morning, Monday thru Friday. The physicians review the chronos in a peer review manner. Non-formulary requests for pharmaceuticals are also reviewed during these meetings. It is the Department's and PVSPs policy to send prescribed medication with inmates who transfer to another prison.

Does your institution have difficulties recruiting adequate medical staff? If so, what steps have you taken to remedy this problem?

Significant vacancies exist for nursing classifications at PVSP. PVSP regularly provides tours to interested nursing staff and can "Fast Track" a nursing application to get a potential hire on a State list within a few weeks. However, severe vacancies continue to exist in the Nursing classifications, including Registered Nurse and MTA. PVSP must compete with community hospitals in this severe, statewide nursing shortage. PVSP focuses on nursing recruitment by contacting local nursing schools, posting flyers, and speaking to graduating nursing students. Recruitment also includes college job fairs, mentoring programs for new nurses, and ongoing efforts to retain existing nursing staff. Qualified nursing staff at PVSP speaks at colleges, conventions, and seminars on forensic nursing and forensic mental health nursing. The recruitment and retention of nursing staff at PVSP is a high priority.

PVSP Mental Health has vacancies in the psychiatrist and psychologist positions. The Chief of Mental Health at PVSP actively canvasses the State lists with personal phone calls, tours, and mentoring programs. The Chief also routinely contacts State and national universities for graduating Mental Health professionals. The "Fast Track" method is utilized to speed the application and hiring process. Contract registry staff are recruited to join the PVSP Mental Health team.

How often do you meet with the health care manager and/or chief medical officer? How do you promote collaboration between correctional and healthcare staff? Is there a specific person responsible for coordinating issues involving both custody and health care?

I meet with the CMO on a daily basis. Additionally, I meet weekly with medical department heads to review issues and concerns. This meeting is the hour prior to the Executive Staff meeting. Collaborative issues can then be addressed globally with Executive Staff, if necessary. I have an excellent working relationship with the CMO, who has embraced my desire to provide a more active administrative presence in overseeing the health care operations at PVSP. While organizationally the CMO does not report to the Warden, the CMO has welcomed

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 20 of 28

my initiative to provide the necessary leadership to improve efficiency in this area, and routinely seeks my guidance and direction to effectively manage health care delivery. We have recently added an Associate Warden for Inmate Medical Services. This manager coordinates all areas of medical services with the various prison functions.

What health care personnel are available to your inmates? Who evaluates an inmate's need for medical, dental and mental health care and what is the average wait for non-emergency care? Are any physicians or dentists on prolonged leave for any reason including military leave?

Health care professionals in all disciplines are available to the inmate population. Doctors in the yard clinics evaluate initial requests for non-emergency services. (With the implementation of Plata, Registered Nurses (RN) will perform this function, when they can be hired). The average wait for non-emergency medical care is 2 to 3 days. All emergency medical requests are treated in the CTC standby emergency room, immediately. Emergency dental services are available daily in every clinic. An emergency dental operatory is also available in the CTC. There are no physicians or dentists on prolonged leave for any reason.

What mental health treatment is available at your institution? How many slots are available and is there a waiting list for these treatment services?

The various levels of mental health treatment at PVSP include, Correctional Clinical Case Management Services (CCCMS) and Mental Health Crisis Beds (MHCB). PVSP has 5 MHCBs available and approximately 1200 inmates in the CCCMS program. There is no waiting list for mental health treatment services. The Mental Health Department has an extensive tracking system to provide scheduling and services.

Are priority ducats issued to inmates in need of medical and dental care so that they can be seen throughout the day? What are the specific hours that inmates are seen for routine medical and dental care?

Priority ducats are issued to all inmates in need of medical and dental care so they can be scheduled throughout the day. Inmates are seen for routine medical care Monday-Friday 0830-1600 and dental care Monday-Friday 0700-1600.

What is the "no-show" rate for healthcare clinics? What steps have you taken to assure that inmates keep their scheduled medical appointments?

The no show rate averages between 1 to 5 inmates per yard, per day. An inmate that is a "no-show" for an appointment is located by the Correctional Officer or the MTA. A "Refusal of Treatment" form must be completed by the inmate for each refusal. If the inmate refuses to sign the form, a staff witness is required to verify and co-sign the refusal form.

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 21 of 28

What is your medical budget? Who negotiates and handles your medical contracts?

The medical budget is currently \$18,566,80. The initial contract negotiations are completed by the medical SSA or by the contract manager at Health Care Service Division (HCSD). All negotiations are approved by the HCSD. Statewide or larger contracts are negotiated by HCSD. The Institution Contract Section prepares the contracts for registries. Contract monitoring is done by the SSA, contract manager, and Health Care Cost Utilization Program (HCCUP) Analyst, as well as HCSD.

LAW LIBRARY:

What is your policy regarding the searching of inmates' material in the law library? What is subject to confiscation?

In general, any items designated as contraband, i.e., weapons, printed material that depicts frontal nudity, tattoo patterns, etc., are subject to confiscation throughout the prison. These guidelines also apply to the libraries. However, items that are submitted by inmates for photocopying are examined to ensure that they meet DOM guidelines for providing legal copies for inmates. Additionally, inmates are searched upon exit from the libraries to ensure that books or other library items they are taking have been appropriately checked out. Again, this is done in accordance with DOM guidelines pertaining to libraries. Legal paperwork is not read by staff, but is "thumbed through" to reduce the movement of any contraband.

When is the law library open? If the library is closed on specific days, how do inmates access it if those days are the inmates' days off? What is the charge for copies?

The libraries are open 5 days a week, Tuesday-Saturday from 0900-1600. The schedule is designed to provide those inmates assigned to Education/Vocational and the majority of work assignments access to the libraries during the course of the week. Additionally, inmates with verified court deadlines are given Preferred Legal User status and may be educated to the library to complete their legal work. The charge for copies is 10 cents per copy, unless an inmate is verified as being "indigent," in which case there will be no charge.

LITIGATION AND SPECIAL PROBLEMS:

Please provide the committee with a list of the following: (1) all pending litigation in which you or your institution is named; (2) any judgments or settlements against you or your institution since you have been warden; (3) any existing court orders involving your institution. Please comment on any litigation that has been given a court date, all judgments or settlements, and the status of any court orders.

1. List all pending litigation in which you or your institution is named.

See Attachment E – Active Lawsuits

Honorable John L. Burton
 James A. Yates
 Senate Rules Committee Questions
 Page 22 of 28

Note: Due to the current computer tracking system for active cases in the Litigation Office, they were unable to include specific data regarding the actual allegation in each case. I have instructed the Litigation Coordinator to contact the Staff Information Systems Analyst to make arrangements to update the system to include this information, if possible.

2. List any judgments or settlements against you or your institution since you have been warden.

There have been no judgments or settlements against PVSP or myself since I have been Warden.

3. List any existing court orders involving your institution.

PVSP has been included in several major class action law suits. The outcome from these cases has resulted in court orders and court appointed monitors. These cases are as follows:

- a. Ralph Coleman, et al. V. Gray Davis, et al. (USCD, ED No. CIV S-90 0520 LKK)
- b. John Armstrong, et al. V. Pete Wilson, et al. (USDC, ND No. C 94-2307 CW) Armstrong V. Davis, et al.
- c. Derrick Clark, et al. V. State of California, et al. (USDC. ND No. C96-14866 FMS)
- d. Marciano Plata, et al. V. Gray Davis, et al. (USDC, ND No. C-01-1351) Plata V. Schwarzenegger, et al.

How many EEO Complaints has your institution received in the past two years? How many of them have been resolved?

The following are statistics regarding EEO complaints filed in the past two years:

Year	Informal		Formal		Appealed to SPB	Total
	Resolved Supervisory issues	Resolved EEO Issues	Pending	Not founded		
2004	5	0	0	0	0	5
2003	22	2	3	1	1	29
2002	16	1	2	5	0	24
TOTAL	43	3	5	6	1	58

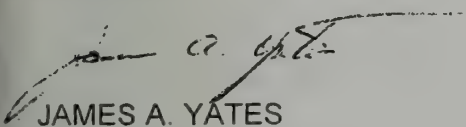
Honorable John L. Burton
James A. Yates
Senate Rules Committee Questions
Page 23 of 28

Are there any special problems you care to share with the committee? Are there any events in your past that the committee might regard as relevant to the confirmation process that you have not commented on elsewhere?

There are no other problems in this area, nor my past, that I am aware of.

Again, I would like to thank you for this opportunity to share information about PVSP and myself. I look forward to meeting with you and the Senate Rules Committee at the confirmation hearing. Should you have any additional questions, please do not hesitate to contact me directly at (559) 935-4950.

Sincerely,



JAMES A. YATES
Warden
Pleasant Valley State Prison

JAY:trr

Attachments

CURRENT VACANCIES REPORT

Fresno Valley State Prison
Current Vacancies Report
Listed by Amount of Positions

EP*	Classification	Vacancies	Vacant Over Six Months	Department	Comments
1.00	Chief Psychiatrist, CF	1.00	1.00	Psych Services	Hire pending
28.70	Correctional Counselor I	2.70	1.70	1.7 Facility A 1.0 Facility B	Interviews scheduled for 4/26 & 4/27
28.76	Correctional Lieutenant	1.08		Custody	Employee start date of 4/19/04
20.09	Correctional Supervising Cook, CF	2.09		Food Services	Two hires pending
5.00	Electrician II	2.00	1.00	Plant Operations	Advertising for lateral transfers; no freeze exemption approvals
2.00	Electronic Technician, CF	1.00	1.00	Plant Operations	Advertising for lateral transfer; no freeze exemption approval
4.56	Health Records Technician I	2.56		Medical	Supervisor in process of setting up interviews
2.00	Health Records Technician II	1.00		Medical	Supervisor in process of setting up interviews
1.00	Institution Artist/Facilitator	1.00		Education	Supervisor in process of setting up interviews
2.00	Laboratory Assistant	2.00	1.00	Medical	Supervisor in process of setting up interviews
38.46	Medical Technical Assistant, CF	10.46	4.00	Medical	Dept. of Corrections-Selections and Standards Branch recruiting
4.07	Medical Transcriber	1.07		Medical	Employee started 4/1/04
2.00	Office Assistant (General)	1.00		Medical	Advertising for lateral transfer; no freeze exemption approval
47.32	Office Assistant (Typing)	9.82	2.0 Records	5.82 Records 1.0 Inmate Assignments 1.0 Facility E 1.0 Medical 1.0 Education	Advertising for lateral transfers; no freeze exemption approvals
9.32	Office Technician (Typing)	5.23	1.0 Records	1.0 Records 1.0 Investigative Services 1.32 Inmate Assignments 1.91 Medical	Advertising for lateral transfers; no freeze exemption approvals

**Pleasant Valley State Prison
Current Vacancies Report
Listed by Amount of Positions**

EP*	Classification	Vacancies	Vacant Over Six Months	Department	Comments
1.00	Pharmacist II	1.00	1.00	Medical	Advertising; canvassing list of eligible candidates, waiting for responses
2.50	Pharmacy Technician	.45		Medical	Candidate declined
5.50	Psychiatric Technician	1.50	1.50	Psych Services	Interviews completed; job offers made
13.50	Psychologist - Clinical, CF	1.50	1.50	Psych Services	Advertising; possible candidate
25.72	Registered Nurse, CF	10.41	2.00	Medical	Advertising; canvassing list of eligible candidates, waiting for responses
3.00	Senior Psychologist, CF (Supervisor)	1.00		Psych Services	Advertising; canvassing list of eligible candidates, waiting for responses; no freeze exemption approval
9.50	Stationary Engineer, CF	.50		Plant Operations	Advertising for lateral transfer; no freeze exemption approval
2.50	Staff Psychiatrist, CF	2.50	2.50	Psych Services	No interested candidates
1.00	Supervising Groundskeeper II, CF	1.00		Plant Operations	Advertising for lateral transfer; no freeze exemption approval
4.00	Supervising Registered Nurse I, CF	3.00	1.00	Medical	Advertising; canvassing list of eligible candidates, waiting for responses
2.00	Supervisor of Academic Instruction, CF	1.00		Education	Employee start date of 5/3/04
31.00	Teacher, HS-General Ed, CF	8.00	7.00	Education	Considering Exam, no freeze exemption approvals
2.00	Vocational Instructor (Electronics)	1.00	1.00	Education	Advertising for lateral transfer; no freeze exemption approval
5.50	Word Processing Technician	2.00	1.00	Records	Advertising for lateral transfers; no freeze exemption approval

*EP is the abbreviation for Established Positions

ATTACHMENT B

219

SICK LEAVE HOURS USED BY ALL STAFF

Pleasant Valley State Prison

Sick Leave Hours Used by All Staff March 2003 through February 2004

	Mar-03	Apr-03	May-03	Jun-03	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	Jan-04	Feb-04
Employee	5616.75	6814.40	6258.00	6400.04	6214.75	7169.95	6292.90	6621.00	6391.00	6568.25	6236.50	6209.50
Family Member	2435.88	2111.80	2619.55	1737.15	1373.25	1854.50	1875.45	1853.95	1549.58	1697.75	1995.90	1640.50
Total:	8052.63	8926.20	8877.55	8137.19	7588.00	9024.45	8168.35	8474.95	7940.58	8266.00	8232.40	7850.00

Employees on Long Term Medical Leave March 2003 through February 2004 By Number of Employees

	Mar-03	Apr-03	May-03	Jun-03	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	Jan-04	Feb-04
Worker's Compensation												
Custody	13	15	15	16	14	12	11	17	21	22	21	20
Non-Custody	8	8	6	9	10	11	10	8	9	9	11	8
Healthcare	3	4	4	3	4	5	4	3	3	3	3	3
Total:	24	27	25	28	28	28	25	28	33	34	35	31
Non-Worker's Compensation												
Custody	17	14	14	16	19	17	13	13	18	19	12	15
Non-Custody	5	4	6	5	8	6	8	9	5	5	3	3
Healthcare	0	0	0	0	1	0	1	1	1	2	5	5
Total:	22	18	20	21	28	23	22	23	24	26	20	23

Non-Worker's Compensation includes non-work related injury, maternity leave, longterm employee or family illness, elective surgery, etc.

ATTACHMENT C

221

Adverse Action/Category I & II 2003

PLEASANT VALLEY STATE PRISON ADVERSE ACTION/CATEGORY I & II

222

2003

CLASSIFICATION.	ALLEGATIONS	DATE OF DISCOVERY	Final Action Taken
CATEGORY I			
Correctional Officer	Staff Misconduct Insubordinate		Stipulations to Letter of Reprimand 2 yrs.
Correctional Officer	Staff Misconduct	10-11-02	Letter of Instruction 7-31-03
Correctional Officer	Staff Misconduct	12-31-02	Not Sustained
Correctional Officer	Unnecessary Use of Force	1-3-03	Not Sustained
Correctional Officer	Bringing unauthorized weapon onto grounds		Stipulation to Letter of Reprimand for 18 months in Official Personnel File
Correctional Officer	Arrest for Violation VC 23152 (A) & (B)	2-10-03	Letter of Reprimand
Correctional Officer	Dishonesty Related to 008-03	2-13-03	5% x 6 months
Correctional Officer	Dishonesty Abuse of Sick Leave Related to 007-03	2-18-03	Not Sustained
Unknown	Personnel Office Missing Documents	12-18-02	Unfounded
Hobby Craft	Staff Misconduct	2-25-03	Dismissal
Correctional Officer	Unnecessary Use of Force	2-3-03	Not Sustained Additional Finding/Sustained
Physician	Absent without Leave	8-23-02	Absent without Leave Termination
Stationary Engineer	Arrest for PC 273.4 Corp INJ to Spouse & 245 Assault w/deadly WPN	3-25-03	See Memo in file
Correctional Officer	Unprofessional in Duties	2-29-03	
Correctional Officer	Unprofessional in Duties	2-29-03	Stipulation to Letter of Instruction 2-24-04
Correctional Officer	Non-Punitive Dismissal/Dismissal		Resigned
Fire Fighter	Misuse of Sick Time	4-6-03	Resigned
Sergeant	Excessive Use of Force	4-15-03	Not Sustained
Correctional Officer	Staff Misconduct	4-12-03	Not Sustained
Sergeant	Unnecessary Use of Force	3-30-03	Not Sustained
Correctional Officer	Unnecessary and Excessive Use of Force	3-4-03	Exonerated

PLEASANT VALLEY STATE PRISON ADVERSE ACTION/CATEGORY I & II

223

2003

CLASSIFICATION.	ALLEGATIONS	DATE OF DISCOVERY	Final Action Taken
CATEGORY I			
Stationary Engineer	Failure to report Inmate/Parolee Assoc.	4-31-03	Not Sustained
Correctional Officer	Neglect of Duty/Failure to follow procedure	5-14-03	Not Sustained
Vocational Instructor	Over familiar	1-10-03	Supervisory Issue
Vocational Instructor	Over familiar	1-10-03	Supervisory Issue
Correctional Officer	Inappropriate Conduct Void	4-10-03	Void
Sergeant	Unnecessary force & inappropriate Conduct	5-2-03	Not Sustained
Captain	Discourteous Treatment	5-20-03	Pending
Plumber II	Inappropriate Conduct	4-21-03	Training Issue
Correctional Officer	Arrest for Terrorist Threats	6-29-03	Sustained at Skelly
	Shooting Review		In Compliance
Correctional Officer	See Category II	X	See Category II
Correctional Officer	Staff Misconduct	4-16-03	Unfounded
Correctional Officer	Threatening Behavior & Restraining Order	7-2-03	Not Sustained
Correctional Officer	Inappropriate Use of Force	5-17-03	Not Sustained
Correctional Officer	Dereliction of Duty – Falsification of Doc (FLSA)	7-9-03	Letter of Instruction
Correctional Officer	Falsification of Doc (FLSA)	7-14-03	Verbal Counseling
Correctional Officer	Willful Insubordination Failure to follow Procedure	7-17-03	Sustained at Skelly Letter of Reprimand
Physician	Staff Misconduct		
Correction Counselor I	Staff Misconduct		
Associate Warden	Staff Misconduct		
Instructor	Staff Misconduct- Bartering w/Inmates	8-8-03	Not Sustained

PLEASANT VALLEY STATE PRISON ADVERSE ACTION/CATEGORY I & II

224

2003

CLASSIFICATION.	ALLEGATIONS	DATE OF DISCOVERY	Final Action Taken
CATEGORY I			
Correctional Officer	Utilizing CDC Position for Personal Gain	8-12-03	Not Sustained
Correctional Officer	Non-Punitive Dismissal AWOL Since 4/03	X	Dismissal
Captain	Changed to CAT II	X	Not Sustained
Sergeant	Arrest DUI (CVC 23152[(b)(a)])	8-25-03	Sustained
Correctional Officer	Staff Misconduct	8-11-03	Not sustained
Correctional Officer	Shooting Review		Exonerated
Station Engineer	Inappropriate Behavior Towards Staff	8-20-03	Retired 12-19-03
Captain	Failure to Follow procedure	X	Void
Correctional Officer	AWOL	9-9-03	30 day suspension
Correctional Officer	Failure to Report Arrest	9-30-03	Pending Headquarter approval
Correctional Officer	Over familiar Conduct	9-8-03	Pending Adverse Action
Plumber	Inappropriate Use of State Time	9-24-03	Pending Headquarter Approval
Supervising Cook I	Over familiar conduct w/parolee		Resigned
Dental Assistant	Employee	10-20-03	Letter of Reprimand
Correctional Officer	Inappropriate Conduct	10-12-03	Unfounded
Correctional Officer	Shooting Review	10-12-03	Full Compliance
Correctional Officer	Staff Misconduct		Not Sustained
Correctional Officer	Staff Misconduct		1123
Correctional Officer	Staff Misconduct	8-11-03	Not Sustained
Correctional Officer	Staff Misconduct		
Plumber	Failure to notify		Not Sustained
Correctional Officer	Negligent Behavior		Letter of Reprimand
CATEGORY II			
Vocational Instructor	Citation for Violation of PC 311.3(A) Possession of Child Pornography	12-30-02	Non-Punitive Dismissal Regarding: Not having teaching credentials

PLEASANT VALLEY STATE PRISON ADVERSE ACTION/CATEGORY I & II

225

2003

CLASSIFICATION.	ALLEGATIONS	DATE OF DISCOVERY	Final Action Taken
CATEGORY II			
Medical Technical Assistant	Staff Misconduct/Use of Narcotics/Theft of Narcotics		Criminal Case Closed No Action Taken
Correctional Officer	Elder Abuse	2-13-03	Resigned 5-31-03
Correctional Officer	Arrest Narcotics Sales	6-17-03	Dismissal
Material & Store Supervisor I	PC 243.1	6-18-03	Dismissal
Correctional Officer	Sexual Battery on P/O Misconduct	5-15-03	Skelly Officer Revoked the Action
Correctional Officer	Arrest possession of C/S	7-30-03	5% X 6 Months
Correctional Counselor I	Assault on Peace Officer	10-3-03	
Correctional Officer	Staff Misconduct	6-5-03	
Office Assistant	Over familiar Conduct	11-4-03	
Correctional Officer	Shooting Review	11-4-03	

Adverse Action/Category I & II 2004

PLEASANT VALLEY STATE PRISON ADVERSE ACTION/CATEGORY I & II

228

2003

CLASSIFICATION.	ALLEGATIONS	DATE OF DISCOVERY	Final Action Taken
Correctional Officer	Staff Misconduct Insubordinate		Stipulations to Letter of Reprimand 2 yrs.
Correctional Officer	Staff Misconduct	10-11-02	Letter of Instruction 7-31-03
Correctional Officer	Staff Misconduct	12-31-02	Not Sustained
Correctional Officer	Unnecessary Use of Force	1-3-03	Not Sustained
Correctional Officer	Bringing unauthorized weapon onto grounds		Stipulation to Letter of Reprimand for 18 months in Official Personnel File
Correctional Officer	Arrest for Violation VC 23152 (A) & (B)	2-10-03	Letter of Reprimand
Correctional Officer	Dishonesty Related to 008-03	2-13-03	5%x6 months
Correctional Officer	Dishonesty Abuse of Sick Leave Related to 007-03	2-18-03	Not Sustained
Unknown	Personnel Office Missing Documents	12-18-02	Unfounded
Hobby Craft	Staff Misconduct	2-25-03	Dismissal
Correctional Officer	Unnecessary Use of Force	2-3-03	Not Sustained Additional Finding/Sustained
Physician	Absent without Leave	8-23-02	Absent without Leave Termination
Stationary Engineer	Arrest for PC 273.4 Corp INJ to Spouse & 245 Assault w/deadly WPN	3-25-03	See Memo in file
Correctional Officer	Unprofessional in Duties	2-29-03	
Correctional Officer	Unprofessional in Duties	2-29-03	Stipulation to Letter of Instruction 2-24-04
Correctional Officer	Non-Punitive Dismissal/Dismissal		Resigned
Fire Fighter	Misuse of Sick Time	4-6-03	Resigned
Sergeant	Excessive Use of Force	4-15-03	Not Sustained
Correctional Officer	Staff Misconduct	4-12-03	Not Sustained
Sergeant	Unnecessary Use of Force	3-30-03	Not Sustained
Correctional Officer	Unnecessary and Excessive Use of Force	3-4-03	Exonerated

PLEASANT VALLEY STATE PRISON ADVERSE ACTION/CATEGORY I & II

229

2003

Stationary Engineer	Failure to report Inmate/Parolee Assoc.	4-31-03	Not Sustained
Correctional Officer	Neglect of Duty/Failure to follow procedure	5-14-03	Not Sustained
Vocational Instructor	Over familiar	1-10-03	Supervisory Issue
Vocational Instructor	Over familiar	1-10-03	Supervisory Issue
Correctional Officer	Inappropriate Conduct Void	4-10-03	Void
Sergeant	Unnecessary force & inappropriate Conduct	5-2-03	Not Sustained
Captain	Discourteous Treatment	5-20-03	Pending
Plumber II	Inappropriate Conduct	4-21-03	Training Issue
Correctional Officer	Arrest for Terrorist Threats	6-29-03	Sustained at Skelly
	Shooting Review		In Compliance
Correctional Officer	See Category II	X	See Category II
Correctional Officer	Staff Misconduct	4-16-03	Unfounded
Correctional Officer	Threatening Behavior & Restraining Order	7-2-03	Not Sustained
Correctional Officer	Inappropriate Use of Force	5-17-03	Not Sustained
Correctional Officer	Dereliction of Duty - Falsification of Doc (FLSA)	7-9-03	Letter of Instruction
Correctional Officer	Falsification of Doc (FLSA)	7-14-03	Verbal Counseling
Correctional Officer	Willful Insubordination Failure to follow Procedure	7-17-03	Sustained at Skelly Letter of Reprimand
Physician	Staff Misconduct Related to 038&039-03		
Correction Counselor I	Staff Misconduct Related to 037&039-03		
Associate Warden	Staff Misconduct Related to 037&038-03		
Instructor	Staff Misconduct- Bartering w/Inmates	8-8-03	Not Sustained

PLEASANT VALLEY STATE PRISON ADVERSE ACTION/CATEGORY I & II

230

2003

Correctional Officer	Utilizing CDC Position for Personal Gain	8-12-03	Not Sustained
Correctional Officer	Non-Punitive Dismissal AWOL Since 4/03	X	Dismissal
Captain	Changed to CAT II	X	Not Sustained
Sergeant	Arrest DUI (CVC 23152[(b)(a)])	8-25-03	Sustained
Correctional Officer	Staff Misconduct	8-11-03	Not sustained
Correctional Officer	Shooting Review		Exonerated
Station Engineer	Inappropriate Behavior Towards Staff	8-20-03	Retired 12-19-03
Captain	Failure to Follow procedure	X	Void
Correctional Officer	AWOL	9-9-03	30 day suspension
Correctional Officer	Failure to Report Arrest	9-30-03	Pending Headquarter approval
Correctional Officer	Over familiar Conduct	9-8-03	Pending Adverse Action
Plumber	Inappropriate Use of State Time	9-24-03	Pending Headquarter Approval
Supervising Cook I	Over familiar conduct w/parolee		Resigned
Dental Assistant	Employee	10-20-03	Letter of Reprimand
Correctional Officer	Inappropriate Conduct	10-12-03	Unfounded
Correctional Officer	Shooting Review	10-12-03	Full Compliance
Correctional Officer	Staff Misconduct		Not Sustained
Correctional Officer	Staff Misconduct		1123
Correctional Officer	Staff Misconduct	8-11-03	Not Sustained
Correctional Officer	Staff Misconduct		
Plumber	Failure to notify		Not Sustained
Correctional Officer	Negligent Behavior		Letter of Reprimand
Vocational Instructor	Citation for Violation of PC 311.3(A) Possession of Child Pornography	12-30-02	Non-Punitive Dismissal Regarding: Not having teaching credentials
Medical Technical Assistant	Staff Misconduct/Use of Narcotics/Theft of Narcotics		Criminal Case Closed No Action Taken
Correctional Officer	Elder Abuse	2-13-03	Resigned 5-31-03
Correctional Officer	Arrest Narcotics Sales	6-17-03	Dismissal
Material & Store Supervisor I	PC 243.1	6-18-03	Dismissal

**PLEASANT VALLEY STATE PRISON
ADVERSE ACTION/CATEGORY I & II**

231

2003

Correctional Officer	Sexual Battery on P/O Misconduct	5-15-03	Skelly Officer Revoked the Action
Correctional Officer	Arrest possession of C/S	7-30-03	5% X 6 Months
Correctional Counselor I	Assault on Peace Officer	10-3-03	
Correctional Officer	Staff Misconduct	6-5-03	
Office Assistant	Over familiar Conduct	11-4-03	
Correctional Officer	Shooting Review	11-4-03	

Adverse Action/Category I & II 2004

**PLEASANT VALLEY STATE PRISON
REGIONAL ADMINISTRATION REPORT
ADVERSE ACTION/CATEGORY I & II
2004**

234

CLASSIFICATION	ALLEGATIONS	DATE OF DISCOVERY	FINAL ACTION TAKEN
Correctional Officer	Willful Disobedience	12-10-03	
Supervising Cook I	Off Duty Misconduct	1-16-04	Pending Headquarter Approval
Sergeant			
Correctional Officer	On Duty Misconduct		
Correctional Case Records Analyst	Job Performance	1-9-04	Pending Headquarter Approval
Captain	Falsification of 998		
Correctional Officer	Staff Misconduct	1-28-04	
Correctional Officer	Failure to Report	1-28-04	
Sergeant	Failure to Report	1-28-04	
Correctional Officer	Staff Misconduct	1-28-04	
Parole Agent	Failure to Report	1-28-04	
Correctional Officer	Breach of Security		Void
Sergeant			
Correctional Officer	Over familiar		
Correctional Officer	Staff Misconduct over familiar behavior		
Supervising Cook I	Off Duty Misconduct	1-16-04	
Correctional Officer	Misconduct	1-23-04	
Correctional Officer	Misconduct	1-26-04	
Correctional Officer	Insubordination/Battery	2-19-04	

ATTACHMENT E

ACTIVE LAWSUITS

FILE NO.	PLAINT NUMBER	FILED	USDC ED	COLEMAN, RALPH	H-18061	W. J. DUCRAY	CDC	DEFENDANTS	ADAGATORNE	DATE AGNO
2	CIV S 94 0201 LKK JFM		USDC ED	11/8/94	EDWARDS, STEVEN L.	H-18061	W. J. DUCRAY	BRUCE SLAVIN		11/14/94
3	531648-4		FRESNO CO SUP CRT.	4/13/95	SCOTT, ALLAN JR.,	J-33916	G. LEWIS	M. L. MOORER		4/13/95
4	CIV F 95-5274 OWW DLB P		USDC ED	7/24/95	SCOTT, ALLAN JR.	J-33916	M. WEISMAN	W. CASHDOLLAR		7/28/95
5	CIV S 95-1779 DFL JFM		USDC ED	10/10/95	DELUCA, JOHN	C-49806	G. LEWIS, M. FOGLEMAN, R. VILLARREAL	W. CASHDOLLAR		10/23/95
6	CV 9507613 GHK AJW		USDC CD	11/20/95	PRICE, CHRISTOPHER	D-22735	D. J. BROWN, F. POOLE	JOAN CAVANAUGH		10/23/95
7	CV F 95 5995 REC SMS P		USDC ED	1/24/96	BOOKER, GREGORY	E-70142	G. LEWIS	D. LEPKOWSKY		11/30/95
8	C 95 3249 CAL		USDC ND	1/31/96	LONGINES, ALFONSO		G. LEWIS	MARY MOORER		1/26/96
9	CIV 95-5386 REC HGB P		USDC ED	3/5/96	SINGLETON, KELVIN	H-86959	G. LEWIS	PETER SIGGINS		1/31/96
10	CV 96 1132 KMW (JR)		USDC CD	3/13/96	HOLLAWAY, S.	H-04646	G. LEWIS, B. HILL, M. LYMAN, D. ORTIZ, R. R-MARIN	SHARON HARRIS		3/5/96
11	CIV F 95 5770 OWW HGB		USDC ED	3/13/96	ZEPEDA, ARNULFO	D-22193	M. WEISMAN, G. LEWIS	MORRIS LENK		3/13/96
12	CIV F 95-6050 REC HGB P		USDC ED	3/15/96	BUTLER, OMAR	E91348	G. LEWIS	PAT DUBAY		3/13/96
13	C 96-0886		USDC ND	4/26/96	CERVANTES, JOSE	J46125	DR. ORTIZ, J. WOZNICK	K. GNEKOW		4/11/96
14	CV 95-2362 R A JB		USDC SD	5/13/96	DAVIS, DOYLE W.	H34318	G. LEWIS	PETER SIGGINS		4/26/96
15	CIV 95-2442 H LSB		USDC SD	5/14/96	PINEDA, ANTHONY	E-85827	CDC	DARRELL LEPKOWSKY		5/13/96
16	CIV F 96-5033		USDC ED	5/31/96	DIAZ, SALVADO	H-58751	M. MADDING, G. LEWIS, DR. HUTCHFUL	DARRELL LEPKOWSKY		5/14/96
17	CVF 95 5967 REC HGB P		USDC ED	6/14/96	CARTER, VINCENT R.	E-41804	F. ALVARADO, L. KRAMER, N. GOSSETT, G. LEWIS	MARY MOORER		6/3/96
18	SC 28773		USDC ND	8/2/96	WILLINGHAM, DARRYL	H-67875	G. LEWIS	NANCY PARKER		6/14/96
19	CIV F 96-5339 GEB SMS P		USDC ED	8/5/96	KINMAN, GLEN	J-10076	G. LEWIS	JOAN CAVANAUGH		8/2/96
20	569484-9		FRESNO CO. SUP CRT.	8/21/96	STAICH, IVAN	E-10079	C. WHITESIDE, M. BELL, L. FARLEY, B. HILL	P. DUBAY		8/15/96
21	CV F 96 1050 GEB JFM		USDC ED	8/23/96	MELNYK, RICHARD	C-66345	W. R. WILLIAMS	JOAN CAVANAUGH		8/21/96
23	CIV F 95 6002 OWW DLB P		USDC ED	9/20/96	BROWN, GERALD	H-57141	G. LEWIS, S. RIPLEY, M. BREWER	JOAN CAVANAUGH		8/23/98
24	CV F 95 5340 REC HGB P		USDC ED	10/16/96	SPYCHALA, THOMAS	B-44248	G. LEWIS	SARA TURNER		10/23/96
25	CV F 96 5640 GEB SMS P		USDC ED	11/26/96	LINO, RUDY	H-63483	LEWIS, RIPLEY, ROBERSON, HOFFMAN	M. LENK		10/16/96
26	566164-0		FRESNO CO SUP CRT.	12/18/96	LANE, DAVID	J-24980	A. SCOTT, L. FUGATE,	K. GNEKOW		11/26/96
27	562276-6		FRESNO SUP. CT.	1/13/97	ALEXANDER, TRENT	J34730	A. WILLIAMS	SANDRA MOOREHEAD		12/18/96
28			FRESNO CO SUP CRT	1/13/97	MOORE, TERRY	C-80971	G. LEWIS	PAT DUBAY		1/13/97
29	CVF 96-5277 REC HGB P		USDC ED	2/26/97	DAVIS, DONALD	E-94800	T. WELLS, A. SYVA, M. MONCAYO, LONGORIA, H. ACEVE	J. CAVANAUGH		1/13/97
30	583807-3		FRESNO CO SUP. CRT	3/17/97	THOMAS, PAUL	C-35852	CDC/ G. LEWIS	NANCY PARKER		3/3/97
31	584467-5 & 584469-1		FRESNO SUP CRT.	3/19/97	ASHANTI, ASKIA	D-98935	A. WILLIAMS & G. LEWIS	NANCY PARKER		3/26/97
33	CV F 97 5144 OWW HGB P		USDC ED	6/11/97	PRICE, CHRISTOPHER	D-22735	R. ANDREWS,	JOAN CAVANAUGH		3/19/97
32	96-6212 OWW SMS P		USDC ED CVF	6/11/97	ADAMS, DARRELL	D95674	G. LEWIS, J. SCOTT	M. L. MOORER		6/19/97
34	588917-5		FRESNO CO SUP CRT.	6/19/97	LEE, KENNETH	H-58686	J. SPELLS, D. SNELL	MONICA ANDERSON		6/19/97
35	589522-2		FRESNO SUP CRT.	6/30/97	LEE, KENNETH	J-58686	A. WILLIAMS, J. WARE	W. JENKINS		6/22/97
36	95 3937-B A JB		USDC SD	7/1/97	GADSON, THOMAS	C-41033	L. C. RAMIREZ	W. JENKINS		6/30/97
37	96 1277H CM		USDC SD	7/14/97	MARTINEZ, ANDRES	E-59366	T. WELLS	DARRELL LEPKOWSKY		7/10/97
38	592342-0		FRESNO CO SUP CRT	7/23/97	SUPEK, ANDRE	E-38990	STATE OF CALIFORNIA	DARRELL KEPKOWSKY		7/18/97
39	CIV F 96-5650 REC SMS P		USDC ED	8/12/97	THOMAS, GLEN	H-51552	G. LEWIS, M. FOGLEMAN, I. HENRY, J. GOMEZ	JILL BOWERS		8/2/97
40	594242-0		FRESNO CO. SUP CRT.	9/6/97	BURRELL, DANIEL	J68930	JOHNNY GRANT	QUISTEEN SHUM		8/13/97
41	596523-1		FRESNO SUP. CRT.	9/10/97	BURRELL, DANIEL W.	J-68930	W. J. DUCRAY	ROSALIND ZENDER		9/9/97
42	CIV F 97 5642 REC DLB P		USDC ED	9/15/97	McCLORE, WILBUR	J-68930	K. TURNER	SARA TURNER		9/10/97
43	CV F 97-5353 REC DLB P		USDC ED	9/17/97	GARCIA, ALBERT	H-83120	R. S. ORTIZ, MD., I. KRISTAL, MD	M. L. MOORER		10/27/97
44	5896522-3		FRESNO CO. SUP CRT.	9/19/97	BURRELL, DANIEL	J68930	JOHN TEXERIA	MICHAEL SANTOKI		10/7/97
45	CV F 94 5995 OWW SMS P		USDC ED	9/24/97	MORRISON, CURTIS	A-90679	L. LOO	ISAMEL CASTRO		10/8/97
46	598115-4		FRESNO CO SUP CRT.	10/6/97	BURRELL, DANIEL	H68930	FRANK JARMILLO	M. LENK		10/22/97
47	CIV S-95-1923 FCD JFM P		USDC ED	10/9/97	TRAMAGLINO, JOSEPH	E-24514	K. W. PRUNTY, et. al.	KATHY ENGELSEN		12/9/97
								TIM FOOTE		10/9/97

ID	CASE NUMBER	COURT	DATE REC	DEBTOR	CD#	DEFENDANTS	ADAG ATTORNEY	DATE AGNO
48	C 97 3357 TEM PR	USDC ND	10/15/97	RODGERS, AVERT	E-97005	G. LEWIS	PETER SIGGINS	10/15/97
49	CV F 97 5302	USDC ED	11/12/97	BLAIR, MICHAEL	H-88843	DALEY, CONTRERAS, WHELAN, WRYE, FOGELMAN, SMITH	JOAN CAVANAUGH	3/5/98
50	CV F 96-5942 GEB DLB P	USDC ED	11/18/97	TORREY, JOEY	C-47554	L. LOO	ROSIE MILLER	11/18/97
51	CV 97-5761 JSL AN	USDC CD	11/24/97	ASHANTI, ASKIA	D-98935	W. J. DUCRAY	JANE MALICH	12/26/97
52	CIV S 97-0773 GGH P	USDC ED	12/9/97	KENNER, TERRANCE L.	D-96164	W. J. DUCRAY	DANIEL KOSICK	12/10/97
53	CIV F 96-6256 REC DLB P	USDC ED	12/10/97	ALLISON, PHILLIPS	H-60399	DR. LOO, JAMES GOMEZ, M.H. JENSEN	KATHLEEN E. GNEKOW	12/10/97
54	CV F 96-5613 OWV SMS P	USDC ED	12/10/97	TORREY, JOEY	C-47554	L. LOO	R. MILLER	12/10/97
55	CV F 97 5693 AWI SMS P	USDC ED	12/19/97	ANDERSON, CORNELIU	E-90184	J. PLACE	ADELINA BERUMEN	12/19/97
56	CIV S 94-0923	USDC ED	12/22/97	MIMS, GEORGE	D-42717	L. WASHINGTON	SCOTT MATHER	12/24/97
57	CV F 97 5983 OWV SMS P	USDC ED	1/29/98	BARKER, RICHARD	B-55996	T. J. VAN GELDER	JOHN APPELBAUM	2/4/98
58	CIV F 95-5886	USDC ED	2/5/98	GARCIA, ALBERT	H-83120	D. SYLVESTER	MIKE SANTOKI	2/5/98
59	CV F 94-5469 OWV DLB P	USDC ED	2/17/98	DELUCA, JOHN	C-49806	G. LEWIS, R. VILLARREAL, R. LYON	K. NEWMAN	2/23/98
60	CIV S 97-2355 LKK GGH	USDC ED	2/19/98	MENDEZ, JOSE	E-18038	D. ORTIZ	JOAN CAVANAGH	2/20/98
61	CIV S 97-6167	USDC ED	3/3/98	HUGHES, III, THOMAS	E-92579	G. LEWIS, CDC	DAVID VERHEZ	3/10/98
62	CIV F 97-5906 REC	USDC ED	3/16/98	REITAN, GREG	J-93757	B. HILL, G. LEWIS, D. ORTIZ, R. GRAY, J. DALEY	M. LENK	3/17/98
63	62927	MADERA SUP CRT	3/30/98	SANDERS, NORRIS	H-02238	G. LEWIS, J. MUGA, V. KHAN, D. WILLEY, R. DERR, G. HOF	MARY ELLEN HAWKINS	3/30/98
64	CV F 97 6215 OWV DLB P	USDC ED	4/6/98	ELLIS, EZRA STAFF	D-40605	NORMA CALLAHAN	NATHAN SCHMIDT	4/14/98
65	604561-1	FRESNO CO. SUP CRT.	4/15/98	RAMEY, JOHNNY	D-38935	A. WILLIAMS, D. SYLVESTER	ADELINA BERUMEN	4/16/98
66	CIV S 98-0339 BS JFM	USDC ED	5/4/98	ASHANTI, ASKIA	H-34797	CALIF. DEPT OF CORR	PAT DUBAY	5/7/98
67	CV F 97 5613 REC HGB P	USDC ED	5/7/98	SARGENT, SCOTT	C-79835	CDC -GROOMING STANDARDS	JANE LAMBOURN	5/7/98
68	CV F 98-5540 SMS P	USDC ED	5/15/98	LOPEZ, MANUEL	J-87908	G. LEWIS	LISA MENGE SMILEY	5/18/98
69	CV F 97-6214 OWV SMS P	USDC ED	5/22/98	McNALLY, WESLEY A.	D-40605	G. LEWIS	JOAN CAVANAUGH	5/22/98
70	CV F 98-5189 DLB P	USDC ED	7/6/98	RAMEY, JOHNNY	D-40605	L. ALEXANDER, D. RETRICK	SUSAN MYSTER	7/6/98
71	BC 187891	LOS ANGELES SUP CRT	7/24/98	TARVER, RALPH AND G	C-44856/	G. LEWIS	GREG MENGANI	7/24/98
72	88 C 1339	KINGS CO SUP. CRT	8/11/98	SANDERS, RAYMOND	J-46567	H. HUANG	JOEL DAVIS	8/11/98
73	CV F 97 6025 OWV DLB P	USDC ED	8/11/98	ROBISON, THOMAS	D-90102	STATE OF CALIFORNIA	SANDRA MOORHEAD	8/12/98
74	98-6431	USDC CD	8/20/98	PATTERSON, ALONZO	H-77435	D. B. BROWN,	MARK HARRIS	8/20/98
75	590568-2	FRESNO CO SUP CRT.	8/25/98	ALDRIDGE, CHARLES	J-30019	CHINO STATE PRISON	DARRELL LEPKOWSKY	8/25/98
76	611343-5	FRESNO CO. SUP CRT	8/26/98	HUBBS, NORMAN	H-26053	DR. HUANG, L. LOO	JILL BUTTRAM	8/27/98
77	611345-0	FRESNO CO. SUP CRT	9/4/98	RAMEY, JOHNNY	D-40605	D. PETRICK, L. ALEXANDER,	JOAN CAVANAUGH	7/24/98
78	611345-0	FRESNO CO. SUP CRT	9/8/98	RAMEY, JOHNNY	D-40605	A. WILLIAMS, D. SYLVESTER, D. PETRICK,	PATRICIA VOLLMER	9/8/98
79	19341	SOLANO CO. SUP CRT.	9/18/98	FISHER, JAMES	C-77977	E. A. MUELLER, CDC	BRUCE BRAVERMAN	9/18/98
80	CV F 98 5398 DLB P	USDC ED	9/29/98	FERNANDEZ, JOHN	K-43461	C. E. TAYLOR	MORRIS LENK	10/5/98
81	0603408-6	FRESNO CO. SUP CRT.	10/1/98	RAMEY, JOHNNY	D-40605	L. LOO, H. HUANG, W. J. DuCRAY	JOAN CAVANAUGH	10/1/98
82	CR 58206	RIVERSIDE CO SUP CR	10/22/98	AULD, JAMES	E-94548	G. LEWIS	DARREL KEPKOWSKY	10/22/98
83	CV F 97-6015	USDC ED	10/22/98	LEE, KENNETH	J-58686	J. SPELL, M. WALLACE, A. WILLIAMS, J. WARE, D. SNELL	W. JENKINS	10/22/98
84	615538	FRESNO CO SUP CRT	10/23/98	HUBBS, NORMAN	K-11615	M. BROMMEL, O. BARRON, L. LOO	JOAN CAVANAUGH	10/23/98
85	114269	MONTEREY CO SUP CRT	10/26/98	PITTS, GARY	J-88406	STATE OF CALIFORNIA	FLORETTE YEN	10/27/98
86	CV F 96 6268	USDC ED	11/10/98	HARDY, KERRY	J-88406	V. QUINN-ROBICHEAUX, J. GONZALES	M. MOORER	11/10/98
87	C-98-2934	SANTA CLARA CO. SUP	11/30/98	MARTIN, CLINTON A.	H-44398	G. LEWIS	M. LENK	11/30/98
88	CV F 975525 REC SMS P	USDC ED	1/5/99	SAUNDERS, JASON	D-40605	N. COMAITES	M. LENK	1/12/99
89	622080-0	FRESNO CO SUP. CRT.	1/15/99	RAMEY, JOHNNY	D-40605	K. TRAN, S. HERRERA, L. LOO	M. LENK	1/20/99
90	627257-9	FRESNO CO. SUP CRT	3/5/99	RAMEY, JOHNNY	D-40605	N. CLARK, D. ROBINSON	R. ZENDER	3/8/99
91	CIV F 99-5112 SMS	USDC ED	3/29/99	TEDTAOTAO, JEFFREY	H-12012	G. LEWIS	MORRIS LENK	3/29/99
92	99-185342	TULARE CO SUP. CRT	3/30/99	INGRAM, LARRY	K-12425	G. LEWIS	JOAN CAVANAUGH	3/30/99
93	CV F 98-6494 DLB P	USDC ED	3/30/99	HUMPHREY, GERALD		L. LOO, D. BLANKE	SALLY STEVENS	4/9/99

NO.	CV F 5592 OWW DLB P	USDC ED	4/8/99	MERRITT, WILLIAMS	C-23412	L. LOO,	DATE AGNO
95	CV F 5592 OWW DLB P	USDC ED	5/4/99	LOPEZ, PAUL	C-27897	G. LEWIS, W. J. DUCRAYS, LEHMEN, D. WILLIY, B. HILL	4/13/99
96	CV 99-03689-CAS RNB	USDC SD	5/10/99	MONTANO, JOHN B.		G. LEWIS	5/4/99
98	CV 98-0360-LKK JFM/98-17	USDC ED	5/25/99	SMITH, LEONARD	C-48452	C. A. TERHUNE	5/10/99
97	CV 99-03954	USDC SD	5/25/99	GRAY, MARVIN	K42978	G. LEWIS	5/25/99
99	C-99-1890-MMC	USDC ND	6/7/99	SMALLWOOD, STEVEN		G. LEWIS	5/25/99
100	CIV 98 6564 REC SMS P	USDC ED	6/7/99	BARKER, RICHARD	B-65996	D. SYLVESTER, P. LOWERY, R. SPRADLING	6/7/99
102	0627257-9	FRESNO CO SUP CRT.	6/15/99	RAMEY, JOHNNY		D. ROBINSON	6/15/99
101	638923-3	FRESNO SUP CRT.	6/15/99	DIAZ, VICTOR		C. A. TERHUNE	6/15/99
103	CV F 97-6122 OWW LJO P	USDC ED	6/16/99	RODRIGUEZ, HECTOR	H-56272	I. KRISTAL, M. BROMMELD, BLAMKE, E. NAVARRO, MCVI	6/17/99
104	C99-20281 JF PR	USDC ND	6/21/99	McNAY, LAWRENCE M.	E-48576	G. LEWIS	6/21/99
105	635167-0	FRESNO CO. SUP. CRT.	7/20/99	NOTTINGHAM, JACK	K-68378	L. LOO, D. ROBINSON, H. HUANG	7/26/99
106	99C1462	KING CO SUP. CRT	7/29/99	WILKINSON, JACK	STAFF	CDC / L. LOO	8/3/99
107	CIV F 99-5951 OWW LJO P	USDC	8/2/99	BARAJAS, SAM		P. HORNER, G. NORMAN	8/3/99
108	CV F 97 5197 AWI LJO P	USDC ED	8/10/99	BAUMER, WILLIAM	E58199	L. LOO	8/2/99
109	CIV F 98-5499	USDC SD	8/13/99	BARKER, RICHARD	B-65996	L. LOO & W. YOUNG	8/11/99
110	CVF 98-5821	USDC ED	8/25/99	DAVIS, ALLAN	H-49265	CDC	9/15/99
111	CIV F 99-6158 AWI HGB P	USDC ED	8/27/99	OLIVER, RONALD		CAL TERHUNE	8/31/99
112	635167-0	FRESNO SUP CRT	8/30/99	NOTTINGHAM, JACK	K68378	H. HUANG	8/27/99
113	NO CASE NUMBER	APPEAL /5TH APPELLAT	9/1/99	DONLAN, MICHAEL		CAL TERHUNE, DIRECTOR OF CDC	8/30/99
114	98 6474 LJO P	USDC ED	9/23/99	GORDON, MARVIN	C-86520	D. ALLEN, G. LEWIS, M. MONCAYO, B. UPCHURCH, W. WIL	9/1/99
115	0622080-0	FRESNO SUP CRT	9/30/99	RAMEY, JOHNNY	D-40605	STEPHEN HEBRON	9/30/99
116	CIV S 98-2148 LKK JFM P	USDC ED	10/26/99	ASHANTI, ASKIA	D-98935	G. LEWIS	11/15/99
117	C-99-3969 JL		11/4/99	MARTINEZ, ROBERT		G. LEWIS	11/4/99
118	640572-4	FRESNO CO SUP. CRT.	11/10/99	NOTTINGHAM, JACK	K-68378	M. AMES	11/12/99
119	47113	USDC ED	12/2/99	KEYES, FLOYD WILSON		GAIL LEWIS, WARDEN	12/2/99
120	CIV F 99-6492	USDC ED	12/13/99	JAMES, MICHAEL	J-88602	G. LEWIS	12/13/99
121	D0-31308	FRESNO SUP CRT	12/13/99	VAZQUEZ, FABRICCIO	K-47780	STATE OF CALIFORNIA	12/13/99
122	99-6740-OWW DLB P	USDC ED	12/29/99	VAZQUEZ, FABRICCIO R	K-47780	G. LEWIS	12/29/99
123	639721-0	FRESNO SO. SUP. CRT	1/25/00	RASHEED, HABEEBULL	H-52215	D. SYLVESTER, P. C. GONZALES, F. DOUTHAT, J. MARTIN	1/27/00
124	99-6431 REC SMS P	USDC ED	2/15/00	BANKS, PAUL	K07784	G. LEWIS, LOO, HUANG, NEUBARTH	2/18/00
125	98 5483 OWW DLB P	USDC-ED	2/15/00	CASEY, JERROD	J-53804	PETRICK, LEWIS	2/16/00
126	647095-9	FRESNO COUNTY SUPE	3/21/00	RAMEY, JOHNNY	D-40605	A. RIVERA	3/21/00
127	CV-F-99-6523 OWW LJO P	USDC ED	4/18/00	WILLIAMS, LEROY	K-60342	GAIL LEWIS, L. LOO, J. NEUBARTH, R. ORTIZ	4/18/00
129	CVF 98-5609 OWW SMS P	USDC-ED	4/27/00	HERNANDEZ, JAVIER	H96274	D SYLVESTER, ATWOOD	4/27/00
128	CVF 99 5182	USDC-ED	4/27/00	REDD, SHAUNTRAY	J05532	N. CLARK	5/8/00
130	C-00-1233-CAL	USDC ND CIV	5/8/00	TILLIS, DAN	P17830	C. A. TERHUNE, C. PINKINS, L. LOO & STATE OF CA	5/16/00
131	CIV S-99-1705DFL GGH P	USDC ED	5/30/00	ASHANTI, ASKIA S.	D-98935	CALIFORNIA DEPARTMENT OF CORRECTIONS	5/31/00
132	C 98-4792 CAL (PR)	USDC-ND	6/23/00	HOLESTINE, ERNEST	J01366	LT. WELLS	6/23/00
133	CV-F-98-5345 AWI HGB P	USDC-ED	6/26/00	DUNN, LOUIE	D42929	B. BAUGH, R. BRIDGES	6/26/00
134	CV F 00 5412 REC LJO P	USDC ED	8/1/00	HARRIS, RUDY	D22583	VICKY PALACIOS	8/2/00
135	656431-4	FRESNO	9/5/00	BOLDEN, DAVID	E26566	GAIL LEWIS, WARDEN	9/6/00
136	NO CASE NUMBER	CA SUPREME	9/5/00	SPYCHALA, THOMAS	B44248	GAIL LEWIS, WARDEN, et al	9/7/00
137	C 00-20768	USDC-ND	9/5/00	GAINES, DALE	D52585	GAIL LEWIS, WARDEN	9/7/00
138	CV F 98 5920 AWI DLB P	USDC EASTERN DIST.	11/7/00	BRADY, WILLIE FRED	C39362	M.T.A. HEGGE, et al.	11/8/00
139	CV F 99 6492 AWI HGB P	USDC EASTERN DIST	1/3/01	JAMES, MICHAEL	J88602	GAIL LEWIS, et al.,	1/8/01

ID#	CASE NUMBER	COURT	DATE REC'D	PLAINTIFF	CD#	DEFENDANTS	ADG ATTORNEY	DATE AGNO
140	CIV F-00-6536 AWI HGB P	USDC, EASTERN DIST.	2/8/01	THOMAS, DONALD RAY	D27737	DR. N. NGUYEN	ALLEN CROWN	2/9/01
141	CIV F 00-5491 OWW SMS P	USDC EASTERN DIST.	2/14/01	STEVENS, ANTHONY C.	P57386	C.M. WHEATLEY, J. GRIFFIN, B. CONTRERAS	ALLEN CROWN	2/23/01
142	CIV F-01-5120	USDC, EASTERN DIST.	2/21/01	WILKINSON, JACK	STAFF	DR. LOO, CMO, MEDICAL BOARD OF CA, et al.		
143	243409	KERN CO. SUPERIOR	3/2/01	VALENTA, JEROME	K43238	STATE OF CALIFORNIA, et al.	ALLEN CROWN	3/2/01
144	CV F 00 5006 REC WOP	USDC EASTERN	5/3/01	CZIFRA, STEVEN	J24626	T. TORREZ, LT. VILLAREAL	ALLEN CROWN	5/8/01
145	CV F 00 6640 OWW SMS P	USDC EASTERN	5/14/01	RUSSELL, DERRICK RA	P07530	MARY LOU DUNLAP	LINDA PANCHO	5/16/01
146	CIV S 00 2413 GEB GGH P	USDC EASTERN	5/16/01	ASHANTI	D98935	GAIL LEWIS	ALLEN CROWN	5/17/01
147	01 CF CL 00647	FRESNO CO SUP CRT	6/14/01	WALKER, WINIFRED	P27095	GAIL LEWIS	ALLEN CROWN	6/22/01
149	CV F 00 5999 OWW LJO P	USDC EASTERN	7/12/01	GUYTON, FRANCISCO	P40516	GAIL LEWIS, J. NEUBARTH, R. ORTIZ, D. ROBINSON	ALLEN CROWN	7/13/01
148	CV F 00 5237 SMS P	USDC EASTERN	7/12/01	RASHEED, HABBEULL	H52215	J. NEUBARTH, R. ORTIZ	ALLEN CROWN	7/13/01
150	CV F 98 6281 AWI SMS P	USDC EASTERN	7/13/01	NANCE, RONALD		D. OVITT, G. DURAN, A. ALTNOW, K. CORCORAN, CONTR	SONG HILL	7/19/01
154	CV F 01-5287 REC SMS P	USDC ED	10/18/01	JONES, TYRONE R.	J-34643	J. SMITH, J. NEUBARTH, W. BUELHER, W. R. WILLIAM ET	JOHN W. RICHES, II	10/16/01
151	CV F 00-6596 OWW HGB P	USDC ED	10/18/01	DORSEY, DAVID ANTHO	E-29475	T. TORREZ, D. SEAL, J. HERNANDEZ, A. BRANNON	CONNIE PICCIANO	10/26/01
152	CV F 99-6657 REC LJO P	USDC ED	10/18/01	PARKER, KENNETH	E-37797	G. LEWIS, D. SYLVESTER	CONNIE PICCIANO	10/26/01
153	CIV F 00-6244 REC SMS P	USDC ED	10/18/01	GASTON, ANTHONY	J-34878	BROMMEL, LEE,	CONNIE PICCIANO	10/26/01
155	01C2952	KINGS COUNTY SUPERIOR	1/7/02	MILLION, CHARLIE LEE	D-84004	ROBERT R. PRIOLO	CONNIE PICCIANO	10/26/01
156	CV-02-02109 DT PLAX	USDC CD	3/19/02	JOHNSON, JOHN et al		GAIL LEWIS, et al.	CONNIE PICCIANO	10/26/01
157	02 CE CG 00937	FRESNO SUPERIOR	5/8/02	CATCHINGS, FREDDIE	D-39079	D.M. STONE AND D. B. ALLEN	CONNIE PICCIANO	5/9/02
158	CV F 00 5798 AWI HGB P	USDC ED	7/29/02	LEACH, THOMAS	P-44598	AL BONILLA, MICHAEL SALAAM	PICCIANO	8/2/02
159	CV F 00 5675 AWI HGB P	USDC ED	7/29/02	HARMON, DWAYNE	E-29868	AL BONILLA MICHAEL SALAAM	PICCIANO	8/2/02
160	CIV F 02-5633 OWW LJO P	USDC ED	8/12/02	WILEY, ANDRE	H-08422	GAIL LEWIS, AL BONILLA	PICCIANO	8/16/02
161	CIV 02-CECG02418	FRESNO SUPERIOR CO	9/19/02	RAMEY, JOHNEY	D-40605	MACKIN, TRIMBLE, MATHEWS, CLARK, BROMMEL		9/20/02
162	CV F-01-5182-REC-LJO-P	USDC DISTRICT OF	10/15/02	RAMEY, JOHNEY	D-40605	TRIMBLE, FISHER, CHALABIAN, MURTAUGH	WILLIAM CASHDOLLAR	10/21/02
163	CIV F-00-5797-AWI-HGB-P	UCDCED	10/22/02	TERRY, JOHN	K-60124	WARDEN LEWIS, AL BONILLA, MICHAEL SALAAM		10/22/02
164	C 02 2461 JL	USDC ND	11/13/02	BOYD, CAMMERIN K.	K-32588	WARDEN LEWIS, SGT J. HILL, C/O P. HILL		11/18/02
165	CV 02-5437-JL TRANSFER	USDC CD	11/21/02	ALEXANDER, ROBERT	P-07071	C/O J. PEREZ transferred to Eastern District	JONATHAN WOLFE	12/2/02
166	02 CE CG 04271	FRESNO COUNTY SUPE	12/27/02	JONES, LEE	K-30959	DRS. KIM, KUSHNER, NEUBARTH, ROBINSON, SALAZAR	STEPHEN W. PERKINS	1/6/03
168	CIV F 02-5325 OWW LJO P	USDCED	1/22/03	CURTIS, DEXTER LOPE	K-37517	WARDEN LEWIS	TAMI WARWICK	1/22/03
167	CIV F 02-5132 REC LJO P	USDCED	1/22/03	WEBSTER, ANTHONY	P-67783	LT. PERRY & SGT. AUGUSTUS		1/22/03
169	02AS07488	SUPREME COURT OF C	1/29/03	MORGAN, CARL	J-39646	CDC, KLARICH, BREWER, KUSHNER, KIM, ROBINSON	KEVIN W. REAGER	1/31/03
170	CIV F-00-5544 OWW LJO P	USDCED	2/18/03	DAVIS, QUINCY R.	P-12945	WARDEN LEWIS, BATTLE, RAMIREZ & RUE		2/18/03
171	CIV F 02-5972 OWW SMS P	USDCED	3/17/03	HALL, WAYMOND D.	C-58472	KIM, ORTIZ, KLARICH & YOUNG		3/18/03
172	03 CE CL 01245	MUNICIPAL COURT, FR	3/20/03	SHAYER, DAVID	P-11372	GAIL LEWIS	TAMI WARWICK	3/21/03
173	CIV F 03-5249 OWW LJO P	USDC ED	4/22/03	ALEXANDER, ROBERT	P-07071	J PEREZ, C. BRUCE (PBSP)	JONATHAN WOLFE	
174	CIV F 01-6417 AWI SMS P	USDC ED	4/22/03	JIMENEZ, DAVID	K-37075	JERICOFF & LT MELO (CSP-COR)		
175	CIV F 03 5408 AWI LJO P	USDC EASTERN DISTRI	7/15/03	RICHARD GUZMAN	J37857	ARREDONDO, DHILLON, LOVE, BROMMEL, TORRES	STEPHEN P. ACQUISTO	7/23/03
176	CIV F 02 6018 AWI DLB P	EASTERN DISTRICT CO	7/22/03	ALFRED BROWN	J15695	J. J. KING		7/24/03
177	CIV F 03 5275 REC HGB P	US DISTRICT EASTERN	7/24/03	KURT GOODSON	J49902	DAVID G SMITH, MICHAEL BENDON, T. HASAOTRI		7/24/03
178	RCV072595		7/28/03	STEVEN C. MARTINEZ		EDWARD S. ALAMEIDA, JR., et al (MICHAEL BENDON)		7/28/03
179	03 CE CG 01603 MWS	FRESNO SUPERIOR CO	8/7/03	BERNARD JACKSON	P56163	AUSTIN		8/8/03
180	003 CECG02498-DSB	SUPERIOR CT OF CA.	8/7/03	JOHNEY RAMEY	D-40605	DIAS, et al> (DEVER)		8/8/03
181	00-CE CG 02498DSB	FRESNO SUPERIOR CO	8/8/03	JOHNEY RAMEY	D-40605	DEVER		8/11/03
182	CIV F 03 5365 OWW DLB P	USDCED	8/18/03	MANGO WATTS	P-00041	GAIL LEWIS, J. VANDER POEL, R. ZUNIGA	MICHAEL WILLIAMS	8/18/03
183	CIV F-02-6097 AWI TAG P	US DIST. CT. EASTERN	9/5/03	THOMAS LE'ROY HENN	P72574	LEWIS, WARD, EFSEANFF, GOMEZ, PRIOLO, INGLES-VILL		9/8/03
184	CIV F 02-5187 REC SMS P	US DISTRICT CT FOR E	9/10/03	RHETT WILKINS	P28331	A. FERNANDEZ	STEPHEN P. ACQUISTO	9/11/03
186	03 CECG02805 HAC	FRESNO COUNTY SUP	10/22/03	CHRISTOPHER JONES	P-21003	D. STOUT, GAIL LEWIS		10/22/03

LINE NO	FILE NUMBER	COURT	DATE RECEIVED	PLAINTIFF	CDG	DEFENDANTS	DAGADJORNEY	DATE AGNO
185	03COC00104	FRES. CO. SUPERIOR C	10/22/03	ERRIN BILLYN	P60521	GAIL LEWIS		10/22/03
187	CIV F-03-5637 REC TAG P	US DIST. CT. EASTERN	10/28/03	LARRY LEE BYRD	J-67074	GAIL LEWIS, K. KRATZ, K. BOND, J.M. COONS		10/28/03
188	CIV F-03-5699 REC SMS P	U.S. DIST. CT. EASTER	10/28/03	GREGORY STERLING K	T-58035	GUERRA, HERRERA		10/29/03
189	CIV 02-6324 AWI SMS P	USDC EASTERN DISTRI	11/12/03	ALONZO J. OWENS	T58035	CDC, DONALD BURNETT		11/12/03
190	CVF 02 5394OWWMSMP	USDC EASTERN DIST.O	12/12/03	JAMES FLINT	K19899	GAIL LEWIS		12/15/03
191	CV-F-03-6156-REC LJO P	U.S.D.C FOR NORTHER	2/19/04	GEORGE TAITANO	T41399	GAIL LEWIS, T. AUSTIN, V. BIGGS		2/19/04
192	CIV-F-03-6148-REC SMS P	US DIST. CT. EASTERN	2/19/04	DWAYNE X. HARMON		GAIL LEWIS, AL BONILLA		2/20/04
193	04CECG00189 DSB	SUPERIOR CT OF CA. C	3/1/04	JOWELL FINLEY	E-06421	W. BUEHLER, K. RUTH, L. K. AUTEN, D. TAYLOR, GAIL LEWIS		3/1/04

493-R

Additional copies of this publication may be purchased for \$9.25 per copy
(includes shipping and handling) **plus current California sales tax.**

Senate Publications
1020 N Street, Room B-53
Sacramento, CA 95814
(916) 327-2155

Make checks payable to SENATE RULES COMMITTEE.
Please include Stock Number 493-R when ordering.

L500
R4
2004
no. 10

HEARING
SENATE RULES COMMITTEE

STATE OF CALIFORNIA

DOCUMENTS DEPT.

SEP 30 2004

SAN FRANCISCO
PUBLIC LIBRARY



STATE CAPITOL
ROOM 112
SACRAMENTO, CALIFORNIA

WEDNESDAY, JUNE 23, 2004
1:40 P.M.

1 SENATE RULES COMMITTEE

2 STATE OF CALIFORNIA

3
4
5
6 HEARING

7
8
9
10 STATE CAPITOL

11 ROOM 112

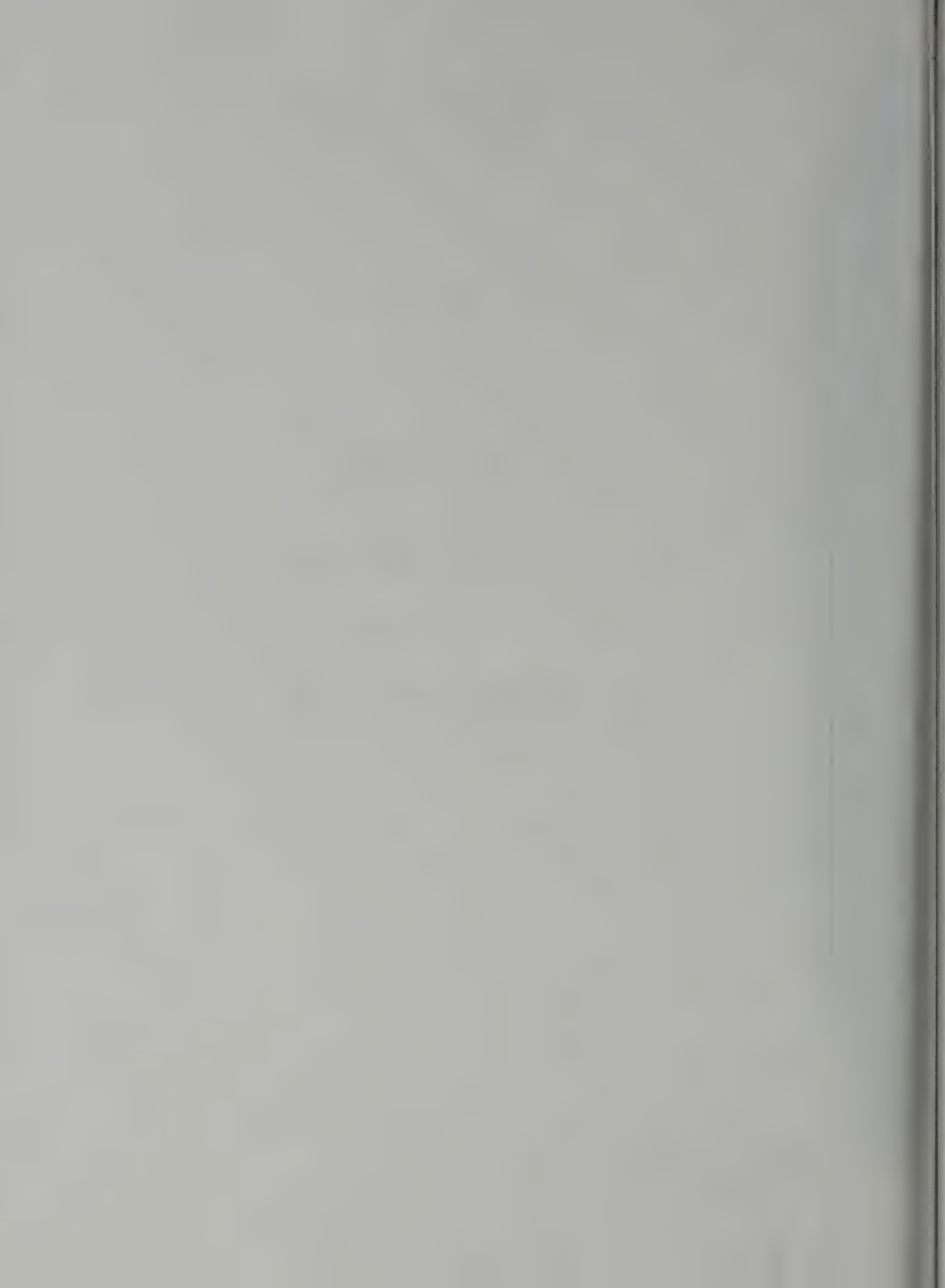
12 SACRAMENTO, CALIFORNIA

13
14
15 WEDNESDAY, JUNE 23, 2004

16 1:40 P.M.

17
18
19
20
21
22
23
24
25 Reported by:

26
27 Evelyn J. Mizak
28 Shorthand Reporter



APPEARANCESMEMBERS PRESENT

SENATOR JOHN BURTON, Chair

SENATOR ROSS JOHNSON, Vice Chair

SENATOR JAMES BRULTE

SENATOR BETTY KARNETTE

SENATOR GLORIA ROMERO

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NETTIE SABELHAUS, Consultant on Governor's Appointments

SUSIE SWATT, Consultant to SENATOR JOHNSON

CHRIS BURNS, Consultant to SENATOR BRULTE

TIM SHELLEY, Consultant to SENATOR KARNETTE

CARY RUDMAN, Consultant to SENATOR ROMERO

ALSO PRESENT

JEANNE S. WOODFORD, Director
Department of Corrections

ROY MABRY, State President
Association of Black Correctional Workers

SUZANNA AGUILERA-MARRERO, Association President
Chicano Correctional Workers Association

RICHARD TATUM, State President
California Correctional Supervisors Organization

ROD MULLEN, President
California Therapeutic Communities

LAURA LAMBE
Center Point, Inc.

1 VERNELL CRITTENDON

2 San Quentin State Prison

3 ANTOINETTE M. TUTT, President

4 Criminal Justice Advocates

5 DAR SINGH, Member

6 Prison Industry Board

7 MARY LATTIMORE, Employee

8 Department of Corrections

9 RICHARD D. SANDERS, CSEA Job Steward/Teacher

10 California State Prison, Solano

11 RICHARD KRUPP, Program Section Manager

12 Office of Substance Abuse Programs

13 California Department of Corrections

14 F. BEAR HEART

15 California Native American Chaplains Commission

16 ANTHONY JONES, Co-worker and Friend

17 California Department of Corrections

18 RODERICK HICKMAN, Secretary

19 Youth and Adult Correctional Agency

20

21

22

23

24

25

26

27

28



INDEX

	<u>Page</u>
Proceedings	1
<u>Governor's Appointees:</u>	
JEANNE S. WOODFORD, Director	
California Department of Corrections	1
Opening Statement of Vision and Goals	1
Questions by CHAIRMAN BURTON re:	
Preparing Prisoners for Release	6
Programming Inmates with Tight Budgets	8
Training Staff to Replace Many Who Will Retire in 2006	9
Deukmejian Commission on Health's Need to Reach Out to Private Health Care System	10
Questions by SENATOR ROMERO re:	
Decision to Move Northern Hispanics Out of Folsom State Prison	10
Strategies to Deal with Gangs in Prison	11
Need for Greater Educational Programming	14
Expansion of Honor Yard Concept	15
Philosophy on Use of SHU	16
Statements by CHAIRMAN BURTON re:	
Young Man Who Brokered Truce between L.A. Gangs	18
Questions by SENATOR ROMERO re:	
Staffing Issues and Ratios	19
Views on Visitation	21

Comments by SENATOR JOHNSON re:

Telephone Calls 22

Witnesses in Support:

ROY MABRY, State President
Black Correctional Workers Association 23

SUZANNA AGUILERA-MARRERO, President
Chicano Correctional Workers Association 24

RICHARD TATUM, State President
California Correctional Supervisors Organization 24

ROD MULLEN, President
California Therapeutic Communities 25

LAURA LAMBE
Center Point, Inc. 25

VERNELL CRITTENDON, Employee
Department of Corrections 26

DAR SINGH
Prison Industry Board 28

MARY LATTIMORE, Employee
Department of Corrections 28

ANTHONY JONES, Former Chapter President
CCPOA, San Quentin Chapter 39

Motion to Confirm 29

Witnesses in Opposition:

ANTOINETTE TUTT, President
Criminal Justice Advocates 27

RICHARD SANDERS, Teacher
California State Prison, Solano 29

RICHARD KRUPP, Employee
Department of Corrections 34

FELICIA BEAR HEART
California Native American Chaplains Commission 37

1	Committee Action	40
2	RODERICK HICKMAN, Secretary	
3	Youth and Adult Correctional Agency	41
4	Opening Statement of Goals	41
5	Questions by CHAIRMAN BURTON re:	
6	Deputy Secretary of Health Care	45
7	Continuation of Opening Statement	46
8	Questions by CHAIRMAN BURTON re:	
9	View of Lockdowns at CYA	48
10	Plans to Deal with CYA	49
11	Dealing with Gangs in CYA	49
12	Plans to Fill Teacher Vacancies	50
13	Drug Treatment and Counseling Programs at	
14	CYA	50
15	AQEELA SHERRILLS Brokered Gang Truce	51
16	Plans for Geriatric Prisoners	52
17	Numbers of Wards Diagnosed with Mental	
18	Health Problems or Developmental	
19	Disabilities	52
20	Board of Prison Terms	52
21	Questions by SENATOR ROMERO re:	
22	CDC/YACA's Decision to Pay for Criminal	
23	Defense of Former Pelican Bay Guard	55
24	Employment Status of Former Director	
25	Alameida and Tommy Moore	55
26	Code of Silence Memorandum	56

Investigation into Starvation Death of Inmate Singh	56
New Case Management System	57
Assurance There Will Be Change and Compliance	58
Parole Reforms	59
Need for Board of Corrections to Monitor County Jails	61
Need for Correct Recidivism Figures	63
Questions by SENATOR KARNETTE re:	
Need for Fiscal Management Training	63
Questions and Comments by CHAIRMAN BURTON re:	
Fifth Amendment	65
Lybarger Process	66
Negative Comments	67
<u>Witnesses in Support:</u>	
ROY MABRY, State President Black Correctional Workers Association	67
SUZANNA AGUILERA-MARRERO, President Chicano Correctional Workers Association	68
RICHARD TATUM, State President California Correctional Supervisors Organization	69
DAR SINGH Prison Industry Board	69
<u>Witness in Opposition:</u>	
ANTOINETTE TUTT, President Criminal Justice Advocates	70

1	Motion to Confirm	72
2	Discussion	72
3	Committee Action	74
4	Termination of Proceedings	74
5	Certificate of Reporter	75
6	Appendix: Written Responses by Appointees	76



P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN BURTON: Governor's appointees appearing today, first, Jeanne Woodford, Director, Department of Corrections.

MS. WOODFORD: Thank you.

Good afternoon, Senator Burton and Members of the Senate Rules Committee. Because of the scrutiny that the Department has been under recently, I want to take few extra minutes in my opening remarks to provide you with my visions of the future of the California Department of Corrections.

It is an honor to be before you today and ask for your support in confirming me to the position of Director of the California Department of Corrections. When I began my career 26 years ago at San Quentin State Prison, I had high expectations of what I personally wanted to accomplish, but I never dreamed that I would be in a position to set a course for the entire California Department of Corrections. But here I am today in a position to bring my vision to the Department.

I was appointed to this position on February 23rd, 2004. To say I had to hit the ground running would be an understatement. The many dedicated staff of the Department were busy planning the Department's Parole Re-entry Strategy. In my first 90 days, I was privileged to work with the many dedicated staff of the Department toward developing a comprehensive plan to return offenders to their communities. This Re-entry Strategy provides a parole plan and resources for offenders to achieve a successful reintegration into their communities.

1 I believe public safety is our most important
2 mission. The goal we must meet to achieve true public safety is
3 to reduce recidivism by identifying programs and practices that
4 allow and assist offenders to make better choices in their
5 lives. Offenders who leave our system more educated, with job
6 skills, substance-abuse treatment, and life skills training are
7 significantly less likely to return to criminal behavior and to
8 the Department. This is true public safety, no more victims.

9 As Governor Schwarzenegger has said, "Corrections
10 ought to correct." Over the next few months we will develop our
11 institutional strategy to expand self-help programs for
12 offenders, increase work, education and vocational opportunities
13 for offenders, and implement strategies for addressing the gang
14 violence that has plagued many of our facilities. These
15 strategies will be designed toward my goal, the Agency
16 Secretary's goal, and the Governor's goal that offenders who
17 leave our system will have the opportunity to leave with the
18 tools they need to be successful in their communities. Our
19 offenders will be working toward a successful parole from the
20 moment they enter our system.

21 In the area of health care programs we have many
22 challenges. As you know, we are under court orders and
23 settlement agreements for medical and mental health care. We
24 have staffing shortages, contracts that need repair, and a
25 rising budget. While I was a warden at San Quentin and since I
26 have been Director, I have been working to understand the scope
27 and the challenges of our health care system, and attempting to
28 get my arms around the problem so we can figure out ways to make

1 effective and long lasting changes.

2 There is one thing I know for sure. We have many
3 knowledgeable, dedicated staff who work many hours to assist
4 patients, prescribe treatments, deliver medications, and open
5 doors for medical appointments. We have made many gains with
6 the implementation of the Inmate Medical Services Policies and
7 Procedures. We will soon have a set of audit tools to use with
8 the court monitors to ensure compliance with the Coleman court
9 order.

10 We've also made great strides towards reducing
11 costs in our pharmacy program with the implementation of the
12 drug formulary and prescribing guidelines. As of April 2004,
13 the Department's pharmaceutical expenditures for fiscal year
14 2003-2004 have only risen less than 6 percent over previous
15 years. This rate of increase is significantly lower than both
16 the industry standard of 12 percent and the Department's 12.7
17 percent average rate of increase from prior years.

18 I've taken a special interest in health care
19 operations and plan to bring the daily operation of the Health
20 Care Division closer to my office. This will facilitate an
21 interface with the new Court Compliance Unit that I will
22 establish this year. The new Court Compliance Unit will provide
23 the cross-functional teams that we need to effect compliance
24 with litigation that the Department faces.

25 In the next few months we will look for ways that
26 we can identify chronically ill inmates and geriatric offenders
27 who have high utilization of health care services and see if
28 there are ways we can group them in institutions where staff

1 recruitment is easier and community services are near by. We
2 will identify our own centers of excellence and keep the sickest
3 inmates in these facilities.

4 I will visit other state correctional departments
5 to gather the best practices that we can use to improve our
6 systems. I will also have wardens and health care managers meet
7 to review duty statements to reduce duplication of efforts and
8 to support partnerships.

9 We know we have many challenges in our health
10 care operations, but I'm confident that as we focus on the
11 quality of our care, quantifying what we do, and build greater
12 collaboration with all correctional staff, we will find the
13 solutions to make our health care programs the caliber of
14 programs that other states will want to emulate.

15 We have many more challenges before us. These
16 challenges include improving our information technology to allow
17 the Department to better serve our staff, our offenders, and the
18 taxpayers of the State of California by being able to analyze
19 information to ensure the efficiencies and effectiveness of our
20 business practices.

21 Fiscal accountability will be a high priority for
22 me. We will continue to develop and implement fiscal training
23 of staff at all levels and hold our employees and ourselves
24 accountable for managing within our budget.

25 We are also challenged to develop and implement
26 an effective staff training program to address daily training
27 and communication needs. To prepare our leaders of tomorrow, we
28 must develop and implement upward mobility and succession

1 training programs for staff at all levels and classifications.
2 This must be completed within the next few months if we are to
3 be ready for the retirements that are expected in January, '06.

4 We will also develop performance standards of
5 every aspect of our business and establish routine auditing
6 systems of our prisons and parole offices to ensure compliance
7 with the high standards and practices of the California
8 Department of Corrections.

9 I will also work to bring my vision to every
10 employee of the Department. In the information I provided to
11 you, I have a draft of the Department's Vision, Mission and
12 Value Statement. This work product will be shared with our
13 staff over the next few weeks to gain their input before it is
14 finalized. This document has been developed so that all will
15 know where we are heading under my leadership.

16 It is my goal every employee understands that
17 they are a leader, and we will lead with pride, integrity,
18 honor, and humility. In this organization there is no room for
19 a Code of Silence. We must all be accountable to our
20 organization and to ourselves.

21 We have begun this process with the development
22 of an ethical decision-making model also contained in the
23 information before you. The Office of Ombudsman has provided
24 training to the wardens and my cabinet and are working to
25 implement this program statewide. The decision-making model is
26 designed to ensure staff think about their values before making
27 decisions.

28 We value people. I will challenge every employee

1 to help identify ways to achieve public safety with
2 professionalism, offender accountability, and change. I will
3 ask the employees of the Department to partner with our
4 communities and serve the public on the best of their abilities.

5 I look forward to working with Secretary Hickman,
6 the Legislature, the public, and the hard working staff of the
7 Department in charting our future. We will achieve our
8 established goals and meet our mission to improve public safety
9 through both prevention and evidence-based recidivism reduction
10 strategies.

11 Thank you for your time. I'll answer any
12 questions.

13 CHAIRMAN BURTON: What can CDC do to better
14 prepare inmates whom they have released on parole to not be
15 coming back to the campus?

16 I think part of it is, my judgment is that the
17 Board of Prison Terms, or whoever it is that does a lot of
18 technical violations for reasons I don't fully understand.

19 What is it that the CDC can do? How are you
20 going to go about better preparing these people either through
21 education, through voc. ed. or whatever?

22 MS. WOODFORD: Well, I think we've already begun
23 the process with the new parole model, because parole agents
24 will be coming into our prisons six months before inmates go out
25 of our prison, and assisting them, and having a workable parole
26 plan, so that they will leave with a plan for housing, work, or
27 job skills training.

28 CHAIRMAN BURTON: Is that something that's new?

1 MS. WOODFORD: It's been in development for the
2 last few months and being implemented now as we speak. And in
3 that model --

4 CHAIRMAN BURTON: What did they used to do, just
5 say you're getting out; behave yourself?

6 MS. WOODFORD: Prior to that, counselors would
7 meet with parolees and ask where they were going to live, where
8 they were going to work. And if they didn't have resources,
9 then they were referred to shelters, or the mission, or
10 whatever. So, it wasn't a real plan that was interactive with
11 the inmate who was about to parole.

12 CHAIRMAN BURTON: It wasn't even an unreal
13 plan.

14 MS. WOODFORD: In many cases that's true.

15 So, this is a great improvement because we're
16 starting six months before they get out.

17 Now, do we need to improve upon that?
18 Absolutely. In my opinion, an offender should be thinking about
19 parole from the moment they come into our system, and they
20 should have a plan for their incarceration that includes
21 education, life skills training, whatever their issues are. If
22 anger management is an issue for them, parenting, if that's an
23 issue, that should be included in their plan from the time they
24 come in.

25 So, over the next couple of months, we'll be
26 developing our institutional strategy to identify the things
27 that we need.

28 Now, keep in mind, this is a huge system with

1 160,000-plus inmates, and we're going to have to take this a
2 piece at a time because it's very costly to implement these
3 kinds of programs.

4 So, it's my plan to do pilot programs, where
5 we're trying different strategies that have been proven around
6 the nation to work, and to provide information to the
7 Legislature to show how they work. How do they reduce violence
8 against staff; how do they reduce violence against other
9 inmates; and how does it impact recidivism.

10 Then I hope to come forward and ask for
11 additional resources to expand those things that --

12 CHAIRMAN BURTON: Well in theory, it would save
13 money in the back end.

14 MS. WOODFORD: I absolutely believe that, but I
15 need to prove that to you.

16 CHAIRMAN BURTON: So that would be tied into,
17 you've got a lot of inmates that aren't assigned to any of the
18 work education or voc. programs.

19 How are you going to be able to deal, which is
20 tied into what we just talked about, how are you going to be
21 able to deal with that in a tight budget?

22 MS. WOODFORD: Well, some of that we'll do by
23 utilizing the generosity of the communities around our prisons.
24 Just yesterday, for example, one of the communities, some
25 staff -- I'm sorry.

26 Some members of the public from Lancaster met
27 with me to talk to me about having a vocational program
28 utilizing their local community college in which inmates would

1 do a work-education program and leave with 12 college units and
2 a certificate in vocational landscaping or voc. welding.

3 CHAIRMAN BURTON: The instructors would come into
4 the institution?

5 MS. WOODFORD: Well in this case, it would be --

6 CHAIRMAN BURTON: Some of the people would be
7 good enough to go out.

8 MS. WOODFORD: Yes. In this case, these are
9 Level Ones, and it would be a community crew. And as part of
10 the community crew, they would learn vocational landscaping,
11 vocational welding, and be given a certificate.

12 So, we hope to open our doors to more and more
13 volunteers. And there's just -- since I've been in the
14 Director's position, the number of communities who have
15 contacted me and said that they want to help has been just
16 amazing.

17 So, we need to have the structure to utilize
18 those resources in a better way. So we're going to do that.

19 In other cases, I'm going to come forward and ask
20 for the monies to develop programs and to do pilot programs like
21 that.

22 CHAIRMAN BURTON: This is easy one.

23 As I understand it, there's about 400 senior
24 staff that are going to retire in 2006. Are you going to start
25 training now for the intermediary staff to take them? And also,
26 I would guess, that would even end up in some salary savings.
27 People who are retiring are usually at the top. I don't know
28 how much that would be.

1 Are you going to start doing the training now?

2 MS. WOODFORD: Yes.

3 CHAIRMAN BURTON: One final thing.

4 The Deukmejian Commission on Health Care, I would
5 think that it makes sense, and I think that Governor Deukmejian
6 would figure that out, to get help from the medical system and
7 the private health system to see how they do it, because it is
8 my understanding through a physician that's on the Senate staff
9 that the hospital health care is probably more expensive. It
10 costs more than if they were getting it almost anywhere else,
11 for a variety of reasons.

12 So, I would hope that as you meet with Governor
13 Deukmejian's Commission, and we will make that clear to Duke
14 also, which he's probably smart enough to figure it out himself,
15 but encourage them to get help from health systems to see what
16 they could suggest.

17 Senator Johnson.

18 SENATOR JOHNSON: No questions.

19 CHAIRMAN BURTON: Senator Romero.

20 SENATOR ROMERO: Thank you.

21 I have a number of questions for you.

22 Recently you made a decision to move Northern
23 Hispanics out of Folsom State Prison. This was an action that
24 was described as temporary. Some critics have claimed that this
25 in is a sense creates a power vacuum in the prison.

26 Can you let us know what your philosophy is in
27 terms of managing rival gang factions? If you can, also give us
28 an update with respect to that move. Is it temporary? Was it

1 related to overcrowding? Was it related to violence?

2 Can you give me an understanding of the
3 philosophy behind this, and when you expect, if it is a
4 temporary move, when you would reintegrate and under what kinds
5 of conditions to bring the factions back together again?

6 MS. WOODFORD: Obviously that would have to be a
7 very careful plan.

8 Let me start with why we moved the Northerners out
9 of there. We just -- the number of Northerners versus the
10 number of Southerners in that prison was just really out of
11 balance. And it is an older prison. It has one yard. It in
12 essence has one dining room. And to try to manage different
13 factions in a prison of that design is very difficult, and I
14 know that very well after having been at San Quentin for so
15 long.

16 The strategy was -- is to remove the Northerners
17 until we had a viable plan to bring them back in safely, for the
18 safety of inmates and for staff.

19 When people talk about balance, there's still a
20 balance there. I mean, there's Hispanic inmates, White inmates,
21 Black inmates and other inmates. There's just not Northern
22 inmates in there at this point in time.

23 The strategies that we're looking at is, we're
24 looking at best practices around the country. What we intend to
25 do is put forward an Inmate Accountability Plan, and we plan to
26 pilot that in the next few months.

27 In the Inmate Accountability Plan, inmates who
28 are not willing to abide by the rules and to go to work, go to

1 school, and participate in programs, and are acting out and
2 causing havoc in our general populations will be placed into a
3 general population plan where their activities will be very
4 closely monitored. They will have a limited amount of time
5 outside of their cells for exercise. They will receive
6 education programs, we hope the television at this point with
7 instructor involvement. And we're going to use that as a way to
8 address the issues of the street gang violence that comes into
9 our prison system. And when we see how that works, then that's
10 what we hope to utilize to return Northern Hispanics back into
11 Folsom State Prison, when we think it's safe to do that.

12 And it will be a very carefully written out plan
13 with lots of opportunity for us to review how it's working so
14 that we know it's safe to do that.

15 SENATOR ROMERO: The move was only made at
16 Folsom, but you've got 32 institutions altogether. How is it
17 operated perhaps in other institutions throughout the state?

18 And is the underlying philosophy one of basically
19 having as fair a share of the balance of power amongst rival
20 factions?

21 MS. WOODFORD: In some prisons, the balance,
22 you're able to maintain that balance. In our system there's
23 more Southern Hispanics than there are Northerners,
24 unfortunately, so you can't do that at every prison.

25 This isn't the first place that this has
26 happened, by the way. In San Quentin's general population,
27 there hasn't been Southern Hispanics for a very long time
28 because it's a reception center, and it's a reception center in

1 northern counties. So, who gets arrested? Northern Hispanics.
2 So when you had Southerners in that situation, they were
3 attacked constantly. So they were removed years ago. So, this
4 isn't a new concept.

5 What is new is that we're going to try to do
6 something to address this. There has been a lot of talk over
7 the years about what to do with the Northern-Southern problem,
8 and we're really going to try to fix this situation by offering
9 incentives for inmates to program and to leave that gang stuff
10 behind.

11 SENATOR ROMERO: We can program in different
12 ways. On one hand, we do have truly programing, educational
13 programs, and I applaud your leadership and your vision at San
14 Quentin.

15 However, when I take a look at institution-wide,
16 we've got 162,000-plus inmates. When I looked at the statistics
17 that our own Senate Office of Research had compiled on
18 Corrections, I was even stunned to find out that of the 162,000-
19 plus, we only have 10,500 enrolled in academic education
20 programs; an additional 4400 in the Bridging Program; 12,000 in
21 the RC Bridging; 7700 in voc. Ed. You add all those up, that's
22 a pittance. That's 162,000 inmates. We've got about 35,000
23 truly in what you could call educational programs. We have
24 inmates eligible, not yet assigned, and here it says
25 approximately 47,000 inmates who are eligible. And, of course,
26 all the others in other areas.

27 Given the fiscal constraints right now, but given
28 the philosophy that I know that you have, and that I share with

1 you, that the best prevention is probably in programming and it
2 begins with education, what are you doing, what changes are you
3 bringing about so that we can see greater educational
4 programming for those inmates especially who are eligible and,
5 hopefully, will have the resources to partake of the program?

6 MS. WOODFORD: Well, one of the first things that
7 I had staff do is look at the cost of implementing the
8 Correctional Learning Network in our reception centers. So
9 they're costing that out for me now.

10 The initial preliminary cost, the estimate for
11 that, is about \$7 million dollars. That's an incredible amount
12 of money. So, what we think we're going to do at this point is
13 pilot that in one of our reception center prisons and attempt to
14 use the Correctional Learning Network as an education model in
15 the reception center so you begin getting people thinking about
16 programs and a successful parole from the moment they come in.
17 Then utilize the teaching resources that we had in our reception
18 centers and bring those out to the general population and use
19 those more effectively.

20 We're also partnering with the community college
21 chancellor's office and the Department of Education. We're
22 developing an MOU to identify ways that we can bring more
23 education and vocational programs into our system in a
24 cost-effective way.

25 We hope to continue to look for grants and
26 utilize grant money to expand our college programs as well and
27 other education programs.

28 Over the next few months we're going to develop

1 by September a complete education strategy, and then chart it
2 out as to what we think our priorities are, and then go forward
3 until we have a full implementation. Given the numbers of
4 inmates we have in our system, I fully expect that could take
5 many years to fully implement for education for all of our
6 inmates because of the cost. But we're going to take steps
7 towards that goal.

8 SENATOR ROMERO: I have visited the Honor Yard at
9 Lancaster. Enthusiastic thumbs up on that. The inmates
10 themselves were very positive in terms of their desire that the
11 yard could be maintained.

12 But some of them also said that as long as it's a
13 special yard and unique only to one facility -- and I know
14 there's other types of yards throughout the system, but I'll
15 refer to this one at Lancaster -- especially for Latino inmates,
16 that some how there is a fear or a trepidation to enter into an
17 Honor Yard because if they are transferred at a later point, the
18 whole issue of machismo, and culture, and everything like that.

19 But at any rate, their desire was, and I actually
20 support this, is that we should expand the concept of the Honor
21 Yards throughout the institutions. Maybe not even necessarily
22 call them the Honor Yard. The expectation should be that
23 inmates might want to say, I sign this pledge, and I just want
24 to do my time.

25 Do you agree with this, and what steps might be
26 taken to expand the Honor Yard concept throughout the system?

27 I believe a vast majority of the inmates would
28 say, I just want to do my time.

1 MS. WOODFORD: I totally agree with you. And
2 that's what the Inmates Accountability Program is all about that
3 we plan to pilot. It is bringing the Honor Yard concept out to
4 all of our general populations. And for those inmates who don't
5 want to abide by the rules, who do not want to program, then
6 they're going to be placed in separate area of the prison so
7 that we can provide education for them and more limited
8 activities until they're ready to participate in an appropriate
9 way within our prison system.

10 We think every general population should behave,
11 and look like, and act like an Honor Yard.

12 SENATOR ROMERO: The other route, of course,
13 often times are the SHUs. SHUs are very expensive,
14 approximately 70,000 per inmate.

15 I guess the question I would ask, and I don't
16 mean to be cynical, but in a sense, you know, you had talked
17 about the street gangs, really the interrelationship. It is a
18 correctional system from street to Pelican Bay.

19 I guess to some extent I'd like to hear your
20 philosophy of understanding the SHU. Is the SHU there truly to
21 break up the prison gang? Is the SHU there merely to isolate
22 the shot-caller from the rest of the general population? Is the
23 SHU there to protect against levels of violence that supposedly
24 can take place on the yard?

25 I'm kind of curious, because the drug trafficking
26 is lucrative. And I guess to some extent I want to know what is
27 your philosophy of bringing inmates into the SHU at \$70,000? We
28 can only go so far in building new SHUs, having additional beds.

1 And at a certain point I guess the question would
2 be, is there any fathoming of simply having perhaps gang truce?
3 Can we peacefully coexist? While the drug trade flourishes on
4 the street, can CDC do it on its own to break it all up?

5 MS. WOODFORD: I have to address it this way. In
6 the '70s, we did not lock up prison gang members. It was really
7 a behavior thing. If they got involved in something
8 inappropriate, then they were placed in SHU.

9 Unfortunately, that was one of the most violent
10 times in our Department. We had 11 staff members killed
11 throughout the state, as well as, I believe the numbers are 40
12 inmate homicides in a five-year period during the '70s.

13 The Department decided on the philosophy of
14 locking up prison gang members, and that did reduce violence.
15 It is a strategy that has worked for our Department. And until
16 someone is able to provide a different strategy that works,
17 we're going to have to continue with that.

18 Now, we are looking around the country to see
19 what they're doing. For example in Texas, at the Estelle
20 facility, they have just begun educating gang members who are
21 housed in SHU utilizing computer systems. And they have a
22 computer board in the cells that they've tested and people can't
23 tear apart and use as weapons, and all of that. We're watching
24 that to see how that works.

25 So, I'm very open to looking out and seeing
26 what's going on. But my own personal history says that if you
27 allow prison gang members out in your general populations, that
28 they rule through violence and intimidation. It is not safe for

1 other inmates. We have to break up the prison gangs. And we
2 need to do that, I think, through educational strategies that
3 we're seeing are working in other states.

4 SENATOR ROMERO: And of course I won't belabor
5 the point about looking at how we validate gang members. I know
6 we've had that conversation.

7 I do support and would look forward to having
8 more discussion, not only with you but with Secretary Hickman,
9 with respect to how we validate and moving more toward a
10 behavioral model. But I just wanted to state that.

11 MS. WOODFORD: Thank you.

12 CHAIRMAN BURTON: There's gang members and gang
13 members. So, do you put the poor fool into the SHU who's kind
14 of a hanger on, or are you just doing it for the ones -- how
15 thorough are you figuring out who would go in there?

16 MS. WOODFORD: The validation of prison gang
17 members and associates is a really thorough process with a great
18 deal of due process involved in it.

19 CHAIRMAN BURTON: Secondly, there's a young man
20 whose name escapes me who, several years ago, brokered the truce
21 between the Bloods and the Crypts in L.A. that still stands. I
22 can get you his name.

23 He goes around the country doing things, and he
24 just started doing that because he was tired of seeing his peers
25 get killed in the streets.

26 Then his kid got killed. People were trying,
27 some of the people in the neighborhood, wanted to go get even,
28 find out who did it and kill them. He refused to let them do

1 that, claiming that's not what he wanted his kid to be
2 remembered for. Then even one person was willing to put up a
3 big reward just for the arrest and capture, and he said he
4 didn't want to get into that because something's going to
5 happen, somebody who picks up the award is going to kill them.

6 But he's probably in his forties, and I've got
7 his name upstairs. But anybody who could do that on the
8 streets, and he knows where of he speaks so it's not like some
9 social worker coming in. But this is a guy off the streets that
10 did that. And I would imagine, maybe he is unique in the whole
11 country, but there might be other people that let these guys
12 know that living's better than dying, whether it's inside or
13 outside.

14 So, if you would be open to that kind of thing, I
15 would be happy to get his name to you. He is willing to do
16 things. In fact, I have gave his name to the Mayor of San
17 Francisco, and the young man was willing to go up there and help
18 them. Whether Gavin connected with him, I don't know. But
19 we've had like close to 50 deaths this year, which for San
20 Francisco -- for almost anywhere is amazing -- but for San
21 Francisco it's really amazing.

22 Thank you, Senator.

23 MS. WOODFORD: Yes, I would appreciate his name.

24 SENATOR ROMERO: Just a couple more questions
25 because I know other people questions, and I don't want to take
26 up too much time.

27 Staffing issues. An inmate was killed at Norco a
28 few months ago. This is a place that again, too, for the most

1 part is somewhat minimum security, my understanding, but because
2 of crowded conditions it is triple bunked. It's my
3 understanding that the staffing ratio at that time was one guard
4 to a hundred inmates. That is just amazing to me.

5 We hear a lot about overtime. I know I've called
6 for cuts in Corrections. We've all called for cuts in
7 Corrections, but to a large extent, there is a part of me that
8 says we really do have to be honest. If we want Corrections to
9 correct, then we do need to invest in education and other
10 programs.

11 The ratio of 100-1 seems to me a little bit
12 incredulous, the triple bunking, even if it is lower security.

13 What's your thought? Do we have a staffing
14 shortage? Do we need more staff? Is it safe for the guard, for
15 the inmate? What is your response on this?

16 MS. WOODFORD: I think in some areas we do need
17 more staff, but what we are doing over the next few months is,
18 we have the monies to look at our -- look at a standardized
19 staffing per missions for each prison. So, we'll be evaluating
20 that at each of our prisons over the next few months.

21 I will tell you, 100-1 for a minimum is a pretty
22 -- it's been the standard for a long time.

23 We are looking at that homicide that you referred
24 to, to determine whether we need to make changes at that prison.

25 SENATOR ROMERO: And then finally visitation.
26 It's been cut back from four days to two days. We're talking
27 about successful parole models. We're taking a look at
28 reintegration into society.

1 I do believe that one of the strongest things we
2 can do is to make sure that we keep the bonds together, whether
3 it's child visiting mother or father, or family members.

4 I'm very disappointed in the cutback from four
5 days to two days. I think it's a disservice. Maybe penny wise
6 but pound foolish, I believe, in the long run.

7 Can you share with us your views on visitation,
8 and perhaps what might be done to boost those visitation days in
9 the near future, hopefully, or soon thereafter, to boost it back
10 to the appropriate number of days? If not four, what number of
11 days?

12 MS. WOODFORD: Yes. I'm waiting for the budget
13 to be finalized so that we can determine what we'll be able to
14 do with visiting. I'm very much interested in expanding
15 visiting.

16 I also am looking at visiting as to how it should
17 work, what kind of program should it be, because currently it is
18 hard to call it a program. What are we doing to help the
19 children of offenders? What does it look like when they walk
20 into our prisons or go into family visits? We need to look at
21 it from their eyes and determine what is a healthy program.

22 We've already had three prisons who have
23 contracted with someone to come in and take a look at the
24 visiting program and make some suggestions. That's being done
25 at CRC, and CIW, and CCWF, because we want it to be a viable
26 program that's healthy not only for the offender but the family
27 members as well.

28 We also -- Senator Florez in San Marin County was

1 able to obtain a grant, and they're going to be looking at
2 family reunification and doing a pilot program at two prisons.

3 So, I'm very interested in expanding not only
4 visiting opportunities but the quality of the visiting program
5 so that it is healthy, and it does provide for healthy
6 reunification back into the community.

7 If I could just say this, in walking through the
8 visiting rooms, you will see families visiting with each other.
9 And you would see the offender, who's obviously guilty about his
10 situation, and he would say to the family, "When I get out, I'm
11 buying you a Play Station Two, and we're going to go to Disney
12 Land," and all of these things that you know are not realistic.
13 So, including the family in an appropriate realistic parole plan
14 is very, very important to the success of that family. So,
15 we'll be working on that.

16 SENATOR ROMERO: Senator Johnson, I have a lot
17 more questions, but I don't think we have enough time to go
18 through all of them.

19 I will say that we have had numerous
20 opportunities to discuss, and I feel very confident in her
21 capabilities. In those areas where we disagree, I look forward
22 to continuing having the conversation with you.

23 MS. WOODFORD: Thank you very much.

24 SENATOR JOHNSON: Let me just say one thing that
25 I'd like to see you look at, and that's the business of the
26 telephones, and fact that the State of California is making
27 money off phone calls going home to family members.

28 May we hear from witnesses in support briefly.

1 If you intend to testify, you can begin to make your way up to
2 the front. Maybe we can expedite this.

3 MR. MABRY: Good afternoon, acting Chairman
4 Johnson and the Rules Committee Members. This is Roy Mabry, the
5 State President for ABCW.

6 I'm here to give 100 percent support behind the
7 new Director and all the efforts. I don't think there's any
8 doubt in anybody's mind in this room about the efforts that
9 we're getting ready to take to do the change that it takes in
10 the Department of Corrections.

11 And Ms. Woodford, we're giving you all the
12 assistance that you'll need.

13 When Senator Johnson just mentioned about the
14 telephone conversation, I thought about the last time we sat in
15 this very chair, and a phone conversation came up. And you
16 hadn't come up yet to be confirmed as a warden, and the person
17 who was sitting in the chair was asked to get up and be removed.
18 And I looked back and saw your face, and you were colorless.
19 All the effort had been taken out. But I don't think that
20 effort was meant for you. It was because the phone conversation
21 was not answered.

22 Anyway, congratulations.

23 CHAIRMAN BURTON: Nice to have you back, Brother
24 Mabry. It's been awhile. The young lady used to do much better
25 and much shorter.

26 [Laughter.]

27 MR. MABRY: Thank you, and I have some words for
28 you later, Senator.

[Laughter.]

CHAIRMAN BURTON: Why don't you introduce your family here.

MS. WOODFORD: Thank you very much.

I'd like to introduce my wonderful husband, Eric Woodford, and this is my youngest son, Eli Woodford.

CHAIRMAN BURTON: Witnesses in support.

MS. AGUILERA-MARRERO: Good afternoon and thank you again for affording me the opportunity.

My name is Suzanna Aguilera-Marrero, Sam for short, with the Chicano Correctional Workers Association.

And again, it's a pleasure to come before such a distinguished committee.

And the Chicano Correctional Workers Association is very much in support of Ms. Woodford. We have met with her on several occasions, and we're eager to support her in her vision, and in her strategies, and want to be a part of it. So, we hope that she's confirmed today.

Thank you.

CHAIRMAN BURTON: Thank you.

Next.

MR. TATUM: Members of the Committee, my name is Richard Tatum. I'm the State President of the California Correctional Supervisors Organization.

With all of the things that's been going on in the news media, and all the things that's happened with the Department of Corrections and Youth Authority, I think that it's time that we got some folks with some integrity and with

1 honesty.

2 And our organization fully supports Ms. Woodford.

3 CHAIRMAN BURTON: Thank you, sir.

4 Next, please.

5 MR. MULLEN: Senator Burton, Members of the
6 Committee, my name's Rod Mullen. I'm the CEO for Amity
7 Foundation and the President of California Therapeutic
8 Communities.

9 Our member organizations have had a very
10 successful partnership with the Department of Corrections for
11 many years. In fact, the programs that we have in the prisons
12 and outside have had -- shown the greatest reduction in
13 recidivism that CDC has ever had. And CDC is really the
14 national leader in this. It doesn't have to look to other
15 states, because we are definitely in the forefront of this.

16 CHAIRMAN BURTON: You're the national leader in
17 what?

18 MR. MULLEN: In reducing recidivism by using
19 Therapeutic Community programs in prison.

20 We have spoken to Director Woodford, and we
21 believe that she will continue these efforts, and expand them,
22 and improve them. For that reason, we enthusiastically support
23 her.

24 CHAIRMAN BURTON: Thank you, sir.

25 Next, please.

26 MS. LAMBE: Good afternoon. My name is Laura
27 Lambe, and I represent Center Point, and health and service
28 social agency in Marin County, your district, Senator. Thank

1 you for opportunity, Senator and Members of the Committee, to
2 speak on behalf of Ms. Woodford.

3 We applaud her appointment, and we've had the
4 opportunity to work on a local level with Ms. Woodford in Marin
5 County, where she is well known for her outstanding commitment
6 to maintaining security, community safety, and services for
7 inmates who are preparing for re-entry. She is committed to
8 making a difference in the lives of inmates, and she is working
9 with community partners towards this endeavor.

10 We wholeheartedly support her confirmation. Thank
11 you.

12 CHAIRMAN BURTON: Thank you.

13 MR. CRITTENDON: Good afternoon. I'm Vernell
14 Crittendon. I am from San Quentin State Prison.

15 I've had the honor of being able to work with
16 Ms. Woodford for the last 26 years at San Quentin. I've also
17 had a number of our managers, employees, as well as a large
18 number of our inmate population who were very excited about this
19 opportunity that Ms. Woodford will be taking control of the
20 Department of Corrections and changing the direction in
21 which we've been moving. And they've all asked me to make
22 sure that I come here and express their full support for Warden
23 Woodford, as there are a number of us here in the audience
24 today.

25 So, I just wanted to, again, let this Committee
26 know that we, who all have worked with her and have been around
27 her for the last 26 years, truly support this appointment.

28 CHAIRMAN BURTON: Next.

1 MS. TUTT: Thank you, Senator Burton. I'm
2 Antoinette Tutt, President of Criminal Justice Advocates,
3 representing correctional employees throughout the state.

4 We are in opposition to Ms. Woodford's
5 appointment as Director of Corrections.

6 We recognize and understand her brief tenure as
7 Director, and know her long tenure at San Quentin. We
8 anticipate the same status quo, this pattern of continued
9 retaliation against whistleblowers in this Department, staffing
10 of investigations. Surely she will have the advisement of her
11 cabinet to base her decision.

12 And it is this concern we have as advocacies, as
13 a group, that show the indifference and personal bias that her
14 cabinet has toward us. It's very hard to get to Ms. Woodford.

15 We anticipate, once she's put in position as
16 Director, that maybe we will have an ear. But as it stands
17 right now, we have to take the position that we're going to
18 treated with same indifference and unfairness in investigations
19 and become a target.

20 We have a no shoot policy; shoot or no shoot. We
21 feel that the target has now been placed on employees of
22 minority status who are trying to gain upward mobility in this
23 Department. We know that the frivolous investigations are the
24 bullet, and discrimination and racial bias will continue. This
25 atmosphere is very unfavorable to have to speak in today, but we
26 are a voice, and we are a voice that's taking it very seriously.

27 As we come here, we're asking for justice, and we
28 are asking for justice for all, not just a few. We know the

1 word justice has never been easy for some people to swallow.
2 We're just asking that it doesn't have just one color.

3 Thank you.

4 CHAIRMAN BURTON: Next. Any other witnesses in
5 opposition?

6 Witnesses in support.

7 MR. SINGH: Thank you, Senator.

8 My name is Dar Singh from San Francisco. I have
9 been a member of the Prison Industry Board for nine-and-a-half
10 years and two-time Vice Chair.

11 Since I am living in San Francisco, I have many
12 opportunity to visit San Francisco, which is San Quentin, which
13 is near San Francisco, and had the chance to meet Jeanne
14 Woodford.

15 San Francisco has one of the finest prison
16 industry operation in California. Jeanne's management abilities
17 and coordinating skills are a main factor. I highly recommend
18 her final confirmation.

19 CHAIRMAN BURTON: Thank you.

20 Other witnesses in support? Any more witnesses
21 in support? Yes, ma'am. Come forward.

22 MS. LATTIMORE: Hi. My name is Mary Lattimore.
23 I've been with the Department for approximately 22 years.

24 I'm in total support of Ms. Woodford. I am also
25 a member of NAACP, ABCW, and a previous member of CCSO.

26 And I would just like to say, I've had the
27 opportunity to work with Ms. Woodford at San Quentin State
28 Prison. During the time that I was worked with Ms. Woodford,

1 she's extremely fair. Very, very fair person. A lot of persons
2 will look at her, they'll look at her physical appearance, and
3 then based on that, they'll think that she doesn't have the
4 ability to follow out by giving persons an adverse action and/or
5 any kind of disciplinary action. However, they're fooled by her
6 appearance.

7 Even myself, I have a very good working
8 relationship with Ms. Woodford. She didn't hesitate to bring it
9 to my attention when I did something wrong. But, that's on the
10 positive, because I learned from those experiences.

11 And one more quick thing and then I'm done and
12 get out of the way. But I learned from those experiences, and
13 also, too, I have followed her leadership. As a result of me
14 following her leadership, abilities that I have personally seen
15 her display, I have received complimentary status of myself.
16 Many persons always compliment me on the wonderful job that I
17 do. Highly contributed to Ms. Woodford.

18 So, I really appreciate her. Thank you.

19 CHAIRMAN BURTON: Thank you.

20 Other witnesses in support? Witnesses in
21 opposition?

22 I move the confirmation.

23 If you're opposed come forward. We've got a long
24 day of hearings, so we can't ask for more than three times.
25 Witnesses come forward.

26 MR. SANDERS: I'm Richard Sanders. I am a
27 teacher over at CSP Solano. I'm one of those people down in the
28 trenches. And unfortunately, not enough of us here to talk to

1 you.

2 But I have to get down to specifics, if you don't
3 mind, for a few minutes.

4 Basically, I heard education mentioned quite a
5 bit. And I'm just amazed because education at CSP Solano in the
6 last couple of years, especially in the last six months, has
7 taken a really dump down into the cellars. They have gutted our
8 program academically and vocationally to the extent that we are
9 just -- just all -- it's totally.

10 I have sent a letter out to -- the most recent
11 example is that we are using teachers in the mail room; we are
12 using teachers in the library coverage, instead of teaching.
13 And you wonder why there's no education going on. I've sent
14 letters to EIPU, Ms. Page. I've sent it to the Director,
15 Ms. Woodford here, and I have not had a response in a couple
16 months. I went to the CSEA Wardens meeting and said, "What's
17 going on?" And they sat there and giggled and said, "Well, we
18 heard from them, but we're not going to tell you. Code of
19 Silence. We're not going to share it with you." And I was just
20 amazed.

21 Unfortunately, the other half of my complaint is
22 that Ms. Romero did not bother to mention anything about what's
23 going on with the Code of Silence, how are you going to stop
24 it. The retribution that's going on against the CSEA people,
25 against people who are not custody. And you know, it's big time
26 where we're at.

27 I've had a 36-page document asking for some
28 protection about my whistleblowing -- this is, again, personal,

1 but I want to swing it back around -- that talks about we
2 inherited an AW; we inherited a deputy warden where we are at
3 Solano. And it is just custody against free staff, and I
4 represent constantly. When I come to work, do I teach? I am
5 constantly on the lines doing adverse actions, not only myself
6 but other people.

7 I've sent letters to the Director's office. I
8 called to check on them. In fact, I have right here a
9 confidential letter first from the Office of Civil Rights saying
10 yes. I think you have -- this was dated back in, oh boy,
11 January -- that you have a legitimate complaint, and we're going
12 to go ahead against your deputy warden, and we're going to go
13 ahead and forward this to the Office of Investigative
14 Services -- to the Office of Investigative Services, and that
15 was back in February. And you'll be notified of that. That's
16 February.

17 I called them once, talked to a Mr. Grant. I
18 have not heard a word since. So what happens? You know, I sent
19 this package up, and it's just buried. It's struck?

20 And the harassment continues on, the hostile work
21 environment. Myself and other stewards are constantly, you
22 know, under the gun there, and answering to adverse actions.

23 Again, I'm disappointed that you're not asking
24 the questions about, what about this whistleblowing, what about
25 the corruption that goes on there. And I have stacks, stacks
26 of paper. I've just highlighted a few of them and passed --
27 gave it to the young man there and passed it around so you'd get
28 a glimpse of things that are not answered, that are buried, and

1 the retaliation that goes on.

2 And what I'm getting point to, and I will close
3 up here, the point of it is that, can you correct the problems
4 in education, which are big time? I don't know how many
5 teachers they fired to bring in this Bridging Program, which is
6 -- you need to look at that carefully.

7 And if you're going to solve these problems, can
8 somebody within, because I was at San Quentin, too, back in the
9 early '80s as a correctional officer, as a guard. I've been in
10 education now for the last 20-some-odd years. Can you solve
11 these problems from within, when people that work with
12 Ms. Woodford here, that are now our AWs, she sends them off to
13 Soledad to be the acting Warden, and the man has put a wedge
14 between free staff and education and custody. And just -- and
15 we write and complain and talk, and they laugh to us and talk
16 about the Code of Silence.

17 You know, I have to speak my mind. I raised my
18 children to, you know, stand up for what you believe in. And I
19 would be a hypocrite if I didn't do the same thing and came here
20 today as not only for myself, for the union, and as a teacher,
21 that there are serious problems. And if you think you can
22 settle them from the inside, I think you're badly mistaken here.
23 Somebody's got to come in and clean house in all these areas.

24 And education, I can't have time to teach. And
25 the programs, they come to us and say, well, we have this money.
26 You'd better hurry up and spend it. Submit our stuff, and the
27 next thing we know, oop, too late. You didn't cross the Ts and
28 dot the Is, uh, too late. The money gets diverted someplace

1 else.

2 I don't know what EIPU is. They're supposed to
3 be helping us, but they come in and do audits. And we never
4 hear about it because they don't think we need to know. We're
5 the ones doing it.

6 We lost our accreditation to WASC, which is the
7 Western Accreditation of Schools. Flat out lost it. First time
8 that I've been there in, oh, I don't know, 18 years or 16 years
9 they've been doing it. That's unheard of, to lose an
10 accreditation from WASC, and we've had it for six years, and
11 before that for six years. There's no excuse for that.

12 And it all comes down from do people care, and
13 what is their agenda. We have actors that are not qualified to
14 be in their position because they want to save money, and they
15 put in people there that, they have the approach that we're
16 going to hit you over the head to get your attention, and do it
17 my way. And if you don't do it my way, you know what? We're
18 going to get you. And those words are almost spoken verbatim.

19 And it's just not me that has adverse actions
20 coming down. We go to Skelly on it, and they get dismissed.
21 But the time it takes to do that, who gets cheated? It's the
22 students that we try to educate so they don't come back into the
23 program, so it doesn't cost myself and the taxpayers money.

24 We have little things that continuously go on
25 there, where the officers interfere with what we try to do.
26 Why, we say we're only going to let two magazines go down that
27 are basically math books, and the sergeant stands there and
28 says, "You've got three books." Okay, he needs three books.

1 "I'm not letting it go down."

2 I could go on and on.

3 CHAIRMAN BURTON: No, you can't.

4 [Laughter.]

5 MR. SANDERS: I'm wound up because you know what?
6 I take it personally.

7 But the bottom line is, and I have nothing
8 against the young lady that's here, but the bottom line is, can
9 Corrections change from within? I don't believe so.

10 Thank you.

11 CHAIRMAN BURTON: I'm of the opinion that,
12 hopefully, it will.

13 Any other witnesses in opposition? Anyone other
14 than this gentleman here.

15 Go ahead, sir.

16 MR. KRUPP: My name is Richard Krupp. I've been
17 with the Department of Corrections for 32 years, have a Ph.D. in
18 criminal justice from the Claremont Graduate School, also known
19 as SPB Case Number 01-2338, OIG Number 01-108.

20 CHAIRMAN BURTON: That's the school or you?

21 MR. KRUPP: That's the SPB and OIG case.

22 I was asked whether I support or oppose the
23 appointment of Jeanne Woodford and Rod Hickman.

24 Really, I think it's irrelevant whether I do or
25 don't. I don't think the appointment of either of them will
26 change CDC.

27 My retaliation complaint was filed against the
28 former Director, Cal Terhune, and Deputy Director or Chief

1 Deputy Director Teresa Rocha, and other high level managers.
2 The SPB and OIG found that I was retaliated against for trying
3 to convince these people not to mislead the State Auditor about
4 sick leave and overtime back in the year 2000.

5 The Alameida administration responded by
6 initiating litigation against the SPB in an attempt to overturn
7 the findings. I wrote a letter Rod Hickman on March 1st of this
8 year asking for assistance. And Jeanne Woodford was present at
9 the Government Oversight Committee hearing I testified before in
10 March.

11 Until yesterday, the only response I received
12 from either of them was just silence. I was contacted by Rod
13 Hickman's assistant regarding the letter I wrote to determine
14 whether they needed to respond, and whether they overlooked the
15 letter. I faxed another copy of it to his office this morning,
16 and I brought a copy with me in case he hasn't received it.

17 I also wanted to comment on the recent memo
18 regarding Zero Tolerance for the Code of Silence that
19 Mr. Hickman issued. This is basically a rehash of
20 administrative bulletins issued by CDC in 1992 and 1998.

21 In my opinion, in many cases the Code of Silence
22 is employed in the defense of retaliatory actions taken by CDC
23 management. Training or additional policies and procedures are
24 not needed. What we need are people to follow the law, and
25 consequences for those who don't.

26 Unless CDC management is held accountable, I
27 don't think anything will change. CDC management ignores wrong
28 doing if it involves high level managers, and only alters course

1 when ordered to do so by a court.

2 The next set of hearings and the CDC-initiated
3 litigation against the SPB that involve me, the interested
4 party, will start again soon. At last count, more than 20
5 lawyers have been involved in this effort on behalf of CDC, at a
6 cost of more than \$312,000.

7 The new administration here today, represented by
8 Rod Hickman and Jeanne Woodford, are continuing the same
9 tradition of the Alameida administration, and the Terhune and
10 Rocha administration before them.

11 Another area that I think the Committee needs to
12 be concerned about is new programs that are proposed which
13 promise to reduce the prison population and save money. When
14 many of these ill-conceived programs demonstrate the opposite
15 impact, misleading information is provided to oversight
16 agencies, hoping they won't ask too many questions. I believe
17 this practice to be unethical and needs to be addressed.

18 And my last comment is, during the more than 15
19 months that I was held in a position with no assignment, I read
20 over 200 books at work. I think people are familiar with that.
21 I brought one of those books with me today to leave with Jeanne
22 any as a gift, as a reference to help when she has difficult
23 decisions to make, with my compliments.

24 That's all I have to say. Thank you.

25 CHAIRMAN BURTON: Before you go, I just had one
26 question. It's not a question.

27 Years ago, and this came up, I think, when we
28 were talking during some of the hearings of the wardens. It was

1 raised also by Senator Johnson.

2 Corrections used to put out a card that basically
3 had the number of inmates, sex of inmates, for whatever reason
4 the ratio component of inmates, the type of crimes. But more
5 interesting to me, it also had the percentage or number of
6 people with their educational level.

7 I can't remember -- Senator Johnson's here now --
8 I don't remember whether there was a difference between
9 educational level or something else. Educational level would be
10 what, how long you went to school? There was one other, I guess
11 reading level.

12 MS. WOODFORD: Testing level.

13 CHAIRMAN BURTON: I was struck at that time
14 basically by the fact that when you've got the college
15 graduates, unless they killed their wife or their lover, it was
16 white-collar crime. And as you kept going down, they were not
17 violent crimes. And then you got into grammar school level and
18 under. That's when the drive-by shootings and stuff happen.

19 It would be just kind of an interesting, easy
20 statistic.

21 Yes, ma'am, you want to testify?

22 MS. BEAR HEART: Yes. My name is Felicia Bear
23 Heart. I am today wearing a hat Of CNACC, which is California
24 Native American Chaplains Commission, which is sponsored by CNAG
25 of the 64 tribes, total 110 tribes of California.

26 I'm here today. We fit into a position where our
27 organization is split. I am here to support and also to
28 contest. So, we're a sovereign nation and I know I'm out of

1 order.

2 CHAIRMAN BURTON: A nation divided against itself
3 cannot stand.

4 [Laughter.]

5 MS. BEAR HEART: That's correct. We were
6 discussing, we were supposed to be in support of, and yet we're
7 in opposition of, and so I'm here on both.

8 I'm reading a statement from CNACC, the
9 California Native American Chaplains Commission.

10 If you are confirmed as Director of the
11 California Department Of Corrections, you step in where there
12 are only six full-time Native American chaplains employed in the
13 32 existing state prisons. California Youth Authority does not
14 have a single full-time permanent Native American spiritual
15 leader.

16 Although those housed in a few California state
17 prisons have limited access to Native American spiritual
18 leaders, the majority of these institutions do not provide any
19 of the required services to those who choose to participate in
20 our faith. This discrimination continues to violate the
21 Constitution of the United States, the Bill of Rights, Civil
22 Rights law, and Freedom of Religions Act of the United States of
23 America. This gross disparity needs to be rectified.

24 We are asking for equality with the other faith
25 groups. Your future policies are vital in correcting the
26 situation. We're here as representatives of the Native American
27 community. We hope this will open dialogue that can help begin
28 healing our relatives and families who live with these

1 policies.

2 Our goal for the community involvement is to work
3 with the Department of Corrections to lower the recidivism rate
4 in the prisons. We hope that when we walk away from this
5 meeting, we will know that each institution will have a
6 full-time Native American spiritual leader to work beside
7 Protestants, Catholics, Jewish rabbis and Muslim chaplains.

8 Thank you.

9 CHAIRMAN BURTON: Thank you, ma'am.

10 For the last time, please, those who want to come
11 in opposition, raise their hands. Is there any others left
12 besides this gentleman?

13 MR. JONES: I'm so not in opposition.

14 CHAIRMAN BURTON: You're for, okay. Don't screw
15 it up. She's in good shape.

16 [Laughter.]

17 MR. JONES: Okay, I'm going to make it real
18 quick. I know.

19 I sat here during Ms. Woodford's last
20 confirmation as warden.

21 My name's Anthony Jones.

22 I sat before this Committee, and I spoke on
23 behalf of Ms. Woodford as a representative of the California
24 Correctional Peace Officers Association.

25 I worked with her for approximately 12 years at
26 San Quentin, at which time I held the office of President of the
27 Association at that chapter.

28 Today I sit before you as her friend and

1 co-worker. I now work up at High Desert, came down here on my
2 own dime to show support for her.

3 I'm surprised that the foresight was there to
4 actually make a great decision to promote from within. You
5 picked the absolute best person in the world to be the Director
6 of Corrections. She comes into a time when the Department needs
7 exactly what she has to offer.

8 So I'm here to ask for a unanimous vote of
9 approval for her and confirmation for Ms. Jeanne Woodford.

10 Thank you.

11 CHAIRMAN BURTON: Call the roll.

12 SECRETARY WEBB: Senator Karnette.

13 SENATOR KARNETTE: Aye.

14 SECRETARY WEBB: Karnette Aye. Senator Romero.

15 SENATOR ROMERO: Aye.

16 SECRETARY WEBB: Romero Aye. Senator Johnson.

17 SENATOR JOHNSON: Aye.

18 SECRETARY WEBB: Johnson Aye. Senator Burton.

19 CHAIRMAN BURTON: Aye.

20 SECRETARY WEBB: Burton Aye. Four to zero.

21 CHAIRMAN BURTON: Congratulations.

22 [Thereafter, SENATOR BRULTE

23 voted Aye, making the final

24 vote 5-0 for confirmation.]

25 CHAIRMAN BURTON: Secretary, Youth and Adult
26 Corrections, Mr. Hickman.

27 You're not going to read that whole thing, are
28 you?

[Laughter.]

MR. HICKMAN: I've got a lot of issues, Senator Burton. No, I'm not, sir.

Good afternoon, Senator Burton and Members. Thank you for the opportunity to speak to you today about the vision I have and this administration has for the future of the correctional system in this state. For the first time in its history, the Youth and Adult Correctional Agency is staffed by professionals who have worked their way up through the systems of this state and understand what it takes to make a prison, a juvenile facility, or a county jail work.

I'm a former correctional officer. I went to work everyday in the same cell blocks our current officers are working today. I understand the tough job they have better than anyone who has held this job before.

I also understand that if you want to initiate change in a system as large and complex as California's correctional system, you need to start from the top and lead by example.

We have some of the best employees in state service working in our departments and boards. They're working weekends, holidays, 24 hours a day, seven days a week. They sacrifice time with their families and friends to work behind the walls of our state prisons and juvenile facilities to supervise and to hopefully change some of the toughest criminals in the state. They do it because they believe they are making a difference in their communities. That's why I continue in this profession after 25 years.

1 An amazing thing is that there are some that say
2 I don't care about our staff or about this agency because I
3 speak out against the Code of Silence and corrupt individuals.
4 I speak out against the Code of Silence and corrupt individuals
5 because abuse of power and failure to speak out against it is a
6 cancer that is threatening this agency that I've been sworn in
7 to protect. The very few who dishonor our profession by abusing
8 their authority or turning a blind eye to abuse are the ones who
9 don't care about our staff and this agency, and they are the
10 ones that I am addressing when I say I will not tolerate a Code
11 of Silence in this agency as long as I am Secretary.

12 In the short time that I've been appointed, we've
13 made several major accomplishments that I would like to outline.

14 The very first day that I took office, I signed the Settlement
15 Agreement in Valdivia versus Schwarzenegger which will provide
16 important due process protections for parolees facing revocation
17 on their parole.

18 We established an Operational Efficiency
19 Committee at Agency to look at ways to save the state money and
20 operate more effectively. This led to more than \$43 million in
21 operational efficiencies and savings in the May Revise.

22 We have reconciled the CDC POST assignment
23 schedule with the budget so that we are no longer running a
24 deficit to fund our prisons. We have corrected CDC structural
25 budget deficiencies, and the administration has funded the
26 department at the proper level so that now, for the first time
27 in many years, CDC will be ending the current fiscal year in the
28 black.

1 Another major challenge facing our agency was our
2 Internal Affairs process. In fact, the agency was on the brink
3 of receivership by the federal court when I took over as Agency
4 Secretary. Federal Court Judge Thelton Henderson and Special
5 Master John Hagar made it abundantly clear that unless
6 significant progress was made in a very short timeframe, the
7 federal court would take over.

8 From our hard work and effort in the early weeks
9 of my tenure, we were able to provide the federal court with a
10 plan of attack that addressed their concerns. Among our
11 accomplishments in this area are some very important changes,
12 including establishing a better tracking system for Internal
13 Affairs so that the Director of Corrections and the Office of
14 Inspector General have direct, real-time oversight of all
15 investigations. This will ensure that investigations are
16 conducted in a timely and fair process that treats all staff
17 equally and fairly.

18 But it's not enough that the investigative
19 process and policy has integrity. More importantly, those in
20 charge, the leaders, must be people of integrity. And I believe
21 that with the current Inspector General, Matt Kate, and the
22 members of my management team working collaboratively, we have a
23 team in place that is the epitome of integrity.

24 Other changes include, we have designed an
25 interim pharmacy system. We've begun a broad strategic planning
26 process for the entire agency. We have met with several local
27 communities, law enforcement leaders, religious leaders, and
28 communities throughout the state to solicit input and

1 assistance. We'll be doing much more of that.

2 We have begun a program addressing many of the
3 issues facing the California Youth Authority. Within the very
4 short months under the directorship and leadership of Director
5 Walt Allen we removed those cages from our lockup units that
6 have been in use for many years for the delivery of education.
7 We have closed the lockup unit Tamarack at Preston Youth
8 Correctional Facility that resembled the movie set used in "The
9 Green Mile."

10 And we are hard at work putting together the
11 finishing touches on our Consent Decree in answer to the
12 taxpayer lawsuit filed by the Prison Law Office. We are also
13 hard at work those remedial plans to answer that lawsuit.

14 While we've come a long way in a short period of
15 time, we still have a far greater distance to travel. This
16 agency, unlike the prior agency, is more engaged and active in
17 the operations of the departments and boards. We will not sit
18 by silently and let the departments operate in inertia.
19 Effective organizations need guidance and leadership, and that
20 is exactly what this agency will provide.

21 As an example of that leadership, I will move to
22 the area of health care. When you pick up any newspaper today,
23 you can read about a national health care crisis. The health
24 care industry across this country, and especially here in
25 California, is currently faced with the challenge of providing
26 increased levels of services to a growing and aging population.
27 Health care organizations across this nation have challenges
28 containing costs, negotiating good contracts, obtaining

1 qualified staff, and ensuring good management of the
2 organization.

3 In many ways the problems we face are no
4 different. When you add to this comparison the lifestyle
5 choices of inmates, aging prison populations, and the stresses
6 of incarceration, you can start to understand the challenge that
7 we face. Keeping the scope of our responsibility in mind over
8 the next three years, we will focus on three strategic areas of
9 health care: quality, quantity, and custody collaboration.

10 Quality is the point on the horizon for which we
11 will aim. In order to keep consistent health care presence in
12 my office, I have for the first time created a Deputy Secretary
13 of Health Care at the agency level. The Deputy Secretary's
14 first task is to put together a team of health care
15 professionals from within the agency and outside health care
16 organizations to collaborate and give us the answers that we
17 need to go forward with a plan.

18 CHAIRMAN BURTON: What's that person's
19 background?

20 MR. HICKMAN: There hasn't been an appointment
21 announced at this point in time.

22 CHAIRMAN BURTON: Who are you thinking of?

23 MR. HICKMAN: Well, we're thinking about someone
24 that is in the agency that has a manage -- a correctional or an
25 organizational institutional management background.

26 CHAIRMAN BURTON: How about health?

27 MR. HICKMAN: Health, in health. In the health
28 arena. Not a custody person.

1 CHAIRMAN BURTON: So it would be like a medical
2 person?

3 MR. HICKMAN: A medical person or a clinician.

4 CHAIRMAN BURTON: I don't want to ask it publicly
5 to show how dumb I am. I was going to ask what a clinician is,
6 but I was only going to ask him.

7 [Laughter.]

8 MR. HICKMAN: It's a health care professional in
9 one of the disciplines of health care.

10 CHAIRMAN BURTON: Have we got the guy for you,
11 Dr. Vismara.

12 MR. HICKMAN: I've met with Dr. Vismara in the
13 past. Yes, I have. I know Dr. Vismara.

14 CHAIRMAN BURTON: Move right along.

15 MR. HICKMAN: We're also going to work with the
16 National Institute of Corrections to help guide us to
17 correctional agencies in this country that are demonstrating
18 best practices in the areas of health care.

19 So, the second focus is going to be quantity, in
20 that we're going to quantify our efforts in the area of health
21 care in an effort to understand the total utilization picture
22 that we have. We know there are many hard working, dedicated
23 staff in the health care arena in this organization that take
24 care of our population each day, and we know we have
25 improvements to make.

26 We want to identify our own best practices and
27 areas of excellence as well as our current deficiencies. From
28 our clinical visits to contract medical appointments over the

1 next year, we will develop a precise picture of our health care
2 delivery system.

3 Custody collaboration is an important process in
4 health care. Custody collaboration will also move in the area
5 of the classification process and where we assign prisoners. We
6 will look at our elderly inmates and those with chronic diseases
7 to find ways to better provide for their health care needs, and
8 we will work with groups to group inmates and wards with special
9 medical needs into institutions specializing in health care
10 programs.

11 On September 16th, the Board of Corrections will
12 begin meeting with the county jail officials and CDC staff to
13 discuss ways to reduce replication of medical evaluations that
14 are taking place currently in the jails and reception centers.

15 So in the next year, we're going to gather data
16 and analyze our health care operations. We're going to select a
17 Deputy Director of Health Care and a Chief Medical Officer for
18 the California Youth Authority. We're going to clarify the
19 roles in health care administrators to improve health care
20 delivery. We're going to form a health care team, and we're
21 going to pilot a health care pharmacy management system at the
22 California Medical Facility.

23 Another major initiative in this agency is
24 preparing inmates and wards for return to the community. We
25 understand that 95 percent of all the inmates in state prison,
26 and all of the wards in the Youth Authority will return to their
27 community, and to be quite honest, the departments in this
28 agency have --

1 CHAIRMAN BURTON: Mr. Secretary, could you kind
2 of summarize, because we do have questions, and we want to get
3 to that.

4 MR. HICKMAN: I'll go right to the end.

5 As I said back in January, as the Agency
6 Secretary I will work hard and diligently with public safety as
7 my primary goal to improve our systems. I believe that the
8 leadership provided by Governor Schwarzenegger, and with
9 collaboration from all of you and Members of the Legislature, we
10 can effectively improve the success of our entire organization
11 which falls under the umbrella of the Youth and Adult
12 Correctional Agency.

13 Thank you.

14 CHAIRMAN BURTON: Thank you, Mr. Secretary.

15 I've got a couple questions. I'm going to kind
16 of concentrate on the CYA. I think the questions that I would
17 ask you about the, quote, "graduate students," I think Director
18 Woodford answered.

19 California, as I understand it, is the only state
20 that uses 23-hour lockdowns for wards, with terms averaging
21 close to 60 days with many wards. I mean, no other state does
22 that.

23 What's your view of the lockdown, and what other
24 approaches are there? If you treat people like animals, they're
25 going to become animals, especially young kids.

26 MR. HICKMAN: I agree. I agree.

27 CHAIRMAN BURTON: How are we not going to do
28 that?

1 I've had discussions with the Governor, and his
2 point of view is clearly a point of view that I think most
3 people regardless of political philosophy share, that we hope
4 people that go into the Youth Authority or even state prison,
5 when they come out, they are better citizens not better
6 criminals or worse criminals, whichever the case may be.

7 What are your plans to deal with the CYA
8 population?

9 MR. HICKMAN: As you're aware, there is a
10 taxpayer lawsuit that is going to require a remedial plan in six
11 specific area. We're working very diligently, and I anticipate
12 that those areas, which include both the classification process,
13 violence, medical care, mental health care --

14 CHAIRMAN BURTON: But what would you do if the
15 courts didn't tell whoever was there before to do it?

16 MR. HICKMAN: I think from my perspective and my
17 assessment of the Youth Authority, I would have moved forward to
18 do it because it's the right thing to do.

19 The current program is abysmal in the Youth
20 Authority, and it needs to have immediate changes done.

21 But I think what has to happen is that the agency
22 needs to do that in a very thoughtful manner so that we don't
23 make the mistakes that were made in the past.

24 Twenty-three hours a day for lockup for youths is
25 unacceptable.

26 CHAIRMAN BURTON: How do you deal with kids that
27 are, you know, in gangs in CYA? How do you incentivize them, I
28 guess, to disassociate?

1 Also, when I give the Director the name of that
2 young man whose name I can't remember -- I should have; I met
3 him and introduced him at a dinner -- but to get people in there
4 that can talk to especially the younger people that are in these
5 gangs and bring them about to something.

6 What are you doing right now to try to either
7 dis-incentivize kids or incentivize them to get out of gangs?

8 MR. HICKMAN: I think there's two things that
9 have to be done.

10 The Youth Authority right now doesn't have a
11 process that clearly can tell you who's what. That's one thing
12 we've got to do, is figure out who is who.

13 The next thing we have to do is, we do have to
14 collaborate with all those people that have ideas that can
15 assist us in doing that, and that's what Director Allen is going
16 to be doing.

17 CHAIRMAN BURTON: What are the plans to fill
18 teacher vacancies?

19 MR. HICKMAN: Senator Burton, I can't tell you
20 exactly what are those Youth Authority plans for filling teacher
21 vacancies. I can look to see if I have that information with
22 me.

23 CHAIRMAN BURTON: Drug treatment for the CYA is
24 done entirely by CYA employees which, if you're like any other
25 state agency, is short on stuff. While CDC programs are out to
26 people who specialize, like Phoenix, Walden House, Amity.

27 Do the CYA employees that do drug counseling, do
28 they have specialized training or what?

1 MR. HICKMAN: I believe they have specialized
2 training, but not enough. I believe that the appropriate thing
3 to do would be to bring in the professionals that do that job.

4 One of the things I will do as Agency Secretary
5 is, those best practices that are found throughout the agency
6 will be replicated, so you very well might see a change in that
7 treatment philosophy that's similar to what is in Corrections.

8 CHAIRMAN BURTON: I think also that sometimes,
9 weirdly enough -- I just got it. It was Ageela Sherrills was
10 the name was the name of the young man who brokered the Blood
11 and Crypts deal.

12 A lot of the best drug counselors, unfortunately,
13 are people that have probably even been in prison for drugs, so
14 I guess there's no way they're going to get a job in the Youth
15 Authority. I don't know if you can. I just say that.

16 MR. HICKMAN: I think that we have to look at
17 those types of skills. And there are people that have substance
18 abuse, are in recovery, that are doing substance abuse programs
19 currently in the Department of Corrections. I commend those
20 folks.

21 CHAIRMAN BURTON: That was just an invalid
22 assumption.

23 I think the same questions we asked Jeanne would
24 go for you.

25 Do you have a concept of geriatric prisoners who,
26 if they wanted to commit a crime, couldn't? And they're still
27 costing 32,000 a year, whatever it is.

28 I mean like making proposal to us that prisoners

1 of a certain either age or infirmity could be almost in a semi-
2 secure nursing home facility or something.

3 MR. HICKMAN: I agree with that. We need to find
4 the type of facility to do that.

5 CHAIRMAN BURTON: Board of Prison Terms.

6 First back to CYA, one last thing. Do you know
7 how many wards are diagnosed with mental health problems or
8 developmentally disabled? Do you know how many they are? Do
9 you who they are? Are they with general population? Are they
10 all lumped together, DDs and mentally ill? Or are they
11 separated?

12 MR. HICKMAN: They're not separated. It's lumped
13 together, and the process currently for evaluating them and
14 assessing them is not adequate because --

15 CHAIRMAN BURTON: Has anybody figured out that
16 developmentally disabled are not like mentally ill people?

17 MR. HICKMAN: I agree, but currently the Youth
18 Authority, the program is part of that remedial program.

19 CHAIRMAN BURTON: Who runs the Youth Authority?

20 MR. HICKMAN: Director Walter Allen.

21 CHAIRMAN BURTON: Is he coming before us?

22 MR. HICKMAN: Yes, he is.

23 CHAIRMAN BURTON: That'll be interesting.

24 The Board of Prison Terms, that's under you?

25 MR. HICKMAN: Yes, sir.

26 CHAIRMAN BURTON: The hearings are conducted by
27 people who rarely even, at least in the past, have examined the
28 files that they're hearing. You know, are not that familiar.

1 Sometimes they look at them, although I think we pushed to have
2 them get it way in advance. They used get them like the morning
3 of the hearing.

4 As Jeanne Woodford was testifying, I was reading
5 your stuff, and that's what they do. They do no homework.

6 The Youth Authority, as I understand, they don't
7 even get their stuff until the day of the hearing.

8 Can we make sure that they know what they're
9 doing so they either let a guy out, or a person out, or keep
10 them in, instead of what's the easiest thing?

11 MR. HICKMAN: Yes.

12 CHAIRMAN BURTON: Gray Davis, don't make a
13 mistake; keep them in.

14 MR. HICKMAN: Yes. And it's even that much more
15 important since we have a very objective Governor that's looking
16 at those recommendations coming from the Board.

17 We've got a couple options that we're looking at,
18 but it's going to require for us to do a thorough evaluation.

19 CHAIRMAN BURTON: The Board of Prison Terms finds
20 inmates unsuitable, you know, because they haven't had either
21 NA, AA, or self-help courses. And the best one is anger
22 management, which many of them wait for a long time before
23 getting in, which surprisingly doesn't do much for the
24 management but does a lot to their anger.

25 How can you take care of that? I mean, to say to
26 somebody, "You haven't done this."

27 "Well, you know, you haven't let me do it."

28 "Well, that's too bad."

1 We had this problem, a big problem, with your
2 predecessor. Senator Presley was always going to take care of
3 this, and somehow he never did.

4 You have these people in there. There's nothing
5 much easier -- I know very little about anger management --

6 [Laughter.]

7 CHAIRMAN BURTON: -- as I might add.

8 But I know a lot about NA and AA because I've
9 been to a lot of their meetings.

10 And all you need is a place to stand or sit. And
11 probably anger management, you may need a little bit more
12 professionalism; I don't know.

13 But to me, there is no excuse that people cannot
14 get into these twelve-step programs because all it takes -- they
15 could do it in a corner of a yard or something.

16 And to not let people get back with their life
17 doesn't make any sense to them nor to the taxpayers.

18 So, I would hope that we see some real changes
19 because the Youth Authority is a scandal; Corrections is not a
20 lot better. You put them all together under the umbrella,
21 there's a lot of leaks in it.

22 Senator Johnson.

23 SENATOR JOHNSON: No questions, Mr. Chairman.

24 CHAIRMAN BURTON: Senator Romero.

25 SENATOR ROMERO: I have a couple of questions.

26 The Special Master's Draft Report, and of course
27 we're all awaiting its final report which can happen at any time
28 within the next days, weeks, months. We are all anticipating

1 that.

2 In the Draft Report, Special Master Hagar
3 questioned at that time CDC/YACA's decision to pay for the
4 criminal defense of former Pelican Bay correctional guard David
5 Lewis.

6 Have you, under your leadership as Secretary of
7 the Agency, made any decision on whether to continue to pay for
8 that defense?

9 MR. HICKMAN: I don't think we're paying for the
10 defense now.

11 SENATOR ROMERO: There is no --

12 MR. HICKMAN: I'll have to check, but I do not
13 believe, and I testified before you before that I would
14 not.

15 SENATOR ROMERO: So, there's no action on your
16 part.

17 MR. HICKMAN: My position hasn't changed from
18 when I testified before the committee before.

19 SENATOR ROMERO: And there's no payment.

20 Can you just tell us what is the employment
21 status of former CDC Director Ed Alameida?

22 MR. HICKMAN: He's retiring effective July the
23 12th.

24 SENATOR ROMERO: Retired.

25 MR. HICKMAN: Effective July the 12th.

26 SENATOR ROMERO: This July 12th?

27 MR. HICKMAN: Yes.

28 SENATOR ROMERO: What about Tommy Moore?

1 MR. HICKMAN: Tommy Moore, I think, is still
2 assigned in CDC in the Parole Division.

3 SENATOR ROMERO: I applaud that you did come
4 forward and issue the statements on the Code of Silence. You
5 drafted a memo on February 15th that was disseminated to all, I
6 believe, CDC employees. I'm not sure about CYA.

7 MR. HICKMAN: The entire agency received the
8 memorandum recommend.

9 SENATOR ROMERO: And yet, within days we learned
10 about the death of an inmate, Mr. Khem Singh. This was a death
11 which has been attributed to starvation, essentially. Inmates
12 knew about it, because I know they attempted to contact
13 myself.

14 I did receive a letter. Unfortunately it arrived
15 on my desk a couple of days after Mr. Singh had passed away.

16 I learned about the death via a report in the Los
17 Angeles Times. His death occurred around February 16th, 17th.
18 Right around the time that you issued the memo.

19 My understanding is that when an investigation
20 was launched, witnesses were called in. These are correctional
21 guards. Witnesses were called in to report on this
22 investigation.

23 My understanding is that over two dozen took the
24 Fifth. Refused to speak.

25 Given that you just issued your Code of Silence,
26 and I believe your commitment to cracking the Code of Silence, a
27 few weeks later you've got possibly two dozen witnesses coming
28 in and saying, "I plead the Fifth."

1 Does that fly in the face of what you're trying
2 to do?

3 MR. HICKMAN: Yes.

4 SENATOR ROMERO: How do you respond to that?

5 MR. HICKMAN: I respond to it in that we have to
6 -- the Code of Silence is a symptom of cultural challenges. And
7 I think that changing a culture does take longer and more than
8 just a memorandum.

9 Those people that were supposed to come forward
10 and testify, throughout the agency there's been those types of
11 incidents, will be held accountable. And they will be upheld in
12 their ethical standard when they were sworn in to report wrong
13 doing. And it's going to take time, and people are going to
14 have to be held accountable for it for the culture to change.

15 SENATOR ROMERO: In terms of being held
16 accountable --

17 MR. HICKMAN: At the highest level that we
18 possibly can in discipline.

19 SENATOR ROMERO: Including possibly up to
20 termination?

21 MR. HICKMAN: If that's the appropriate
22 discipline, yes.

23 SENATOR ROMERO: Again, too, I saw a
24 demonstration yesterday with Mr. Hoshino regarding the new,
25 state-of-the-art, electronic case management system. I applaud
26 again, too --

27 MR. HICKMAN: Thank you.

28 SENATOR ROMERO: -- the leadership on putting

1 that together.

2 However, once again, just about a month ago, I
3 did read -- once again this was in the Los Angeles Times, it
4 happens to be my hometown paper -- about another case,
5 quote-unquote, "falling through the cracks."

6 MR. HICKMAN: Yes. We reported that.

7 SENATOR ROMERO: We've had the management system
8 up since January. We've had the Hagar Report. The management
9 system was, of course, not quite disseminated yet, but we're
10 well aware of it after some months of this. We saw the case of
11 the parole agents essentially being attributed to falling
12 through the cracks.

13 I know I spoke with the CDC Director and
14 Mr. Hoshino about these particular cases. How do you respond?

15 I guess part of it is Code of Silence, and yet
16 the silence is maintained. The case tracking system, and yet we
17 find cases falling through the cracks.

18 What assurances can you give us that even though
19 you're pledging to make the change, that there is follow through
20 or compliance? How long do we have to wait before we start
21 seeing that there is action?

22 MR. HICKMAN: I cannot sit here before you,
23 Senator Romero, and vow perfection. I can't tell you that we're
24 going to ever have a perfect system.

25 I can tell you that we can have a system with
26 people that have integrity, and systems that have integrity.

27 And we came forward and reported what happened
28 with that case in regards to that system. So, the Code of

1 Silence at levels of the organization was broken, was not
2 there. We came open, and we added transparency to it.

3 I think the fact that the Inspector General is in
4 place now, we'll have a transparent, real-time process to
5 monitoring, and we're building that. It's going to alleviate
6 those types of mistakes in the future.

7 But I can't vow to you that there will never,
8 ever be a mistake made in 160,000 prisoner and almost 50,000
9 employees department. There might be errors that are made. We
10 are going to acknowledge our errors. We're going to hold people
11 accountable if the errors were made in an inappropriate way, and
12 we're going to be transparent.

13 SENATOR ROMERO: With respect to parole again,
14 too, I applaud. You signed the Valdivia settlement, which had
15 languished under the Davis administration. You signed it right
16 away. I applaud that.

17 Once again, it does deal with significant parole
18 reforms. However, once again, when we were taking a look at the
19 budget, we did find that many of the parole reforms, which we
20 would hoped would have been implemented, to date still have not
21 been implemented.

22 Why, and when can we expect that those reforms,
23 which the Legislature did push forward, when can we expect that
24 those will finally be implemented? Which I think are good for
25 public policy over all and public safety, but also good for our
26 budget in terms of saving dollars.

27 MR. HICKMAN: Corrections is moving aggressively
28 to continue to implement those things that came forward in the

1 budget year. And we are going to evaluate those.

2 Complete implementation is going to require the
3 hiring process, and some of the assumptions that were made in
4 the development of the program, and the assumptions that were
5 made on the cost savings that were going to be associated with
6 that development, were inappropriate assumptions. I think we
7 went about it in the right way to do it, but I don't think that
8 we implemented in a way that was going to give us true ability
9 to implement in the timeframes, based upon some of the other --
10 I don't say obstacles -- processes that had to be accomplished.

11 CDC is still going through those processes.
12 We're moving forward now in a very aggressive way to get the
13 hiring of those folks done, to get the people implemented, and
14 also evaluate what we're doing so we don't continue down a path
15 that we shouldn't be going.

16 SENATOR ROMERO: Again, I would just reiterate my
17 concerns that Senator Burton has already raised about CYA.

18 My own personal belief is that at some point, we
19 should just blow it up.

20 But I look forward to hearing the suggested
21 reforms.

22 CHAIRMAN BURTON: I think we almost did; didn't
23 we?

24 SENATOR ROMERO: With all due respect to
25 Mr. Allen, who I have high regard for, but that's just one that,
26 to me, is problematic. Better move quickly or it'll be blown up
27 before Committee's over.

28 The Board of Corrections.

1 MR. HICKMAN: Yes.

2 SENATOR ROMERO: You head up Board of
3 Corrections.

4 In Los Angeles County, we've seen five slayings
5 in last seven months of inmates. I picked up the L.A. Times
6 today. There's sex with inmates and guards at Indio County
7 Jail. Here in Sacramento, we've also heard about some scandals
8 of strip searching in the county jails.

9 My personal feeling is, the Board of Corrections
10 is not doing enough to review Title 15, and doesn't have a whole
11 lot of teeth when it comes to monitoring our county jails. And
12 county jails is where we receive our population.

13 I see you nodding your head.

14 What can we do with or for the Board of
15 Corrections so that we can have, perhaps, greater oversight,
16 monitoring of our county jails, and early detection signs so
17 that our county jails -- and I truly believe this is sort of the
18 canaries for the State of California and ultimately CDC in
19 terms of population crowdedness -- what do you envision?

20 You head up Board of Corrections. What will you
21 do to give this Board some teeth and, I think, some
22 accountability to really do what I think the mission should be
23 for the Board of Corrections?

24 MR. HICKMAN: Currently the Title 15, it's not
25 mandatory that they do the inspections. It's a voluntary
26 process.

27 SENATOR ROMERO: Do you think it should be
28 mandatory?

1 MR. HICKMAN: If we fund it, it could be. But I
2 think the counties would say that it's a mandatory thing; we got
3 to fund the activities that we do.

4 So, it's a debate that we need to really have and
5 do a thorough analysis --

6 SENATOR ROMERO: And I will support you in that.

7 MR. HICKMAN: I think one of the things that you
8 will find, though, is that under my leadership, the Board of
9 Corrections and the Youth and Adult Correctional Agency will
10 certainly be more collaborative.

11 Like I said, on September 16th, we're meeting
12 with the county jail folks to talk about information sharing,
13 and what we can do both in the area -- specifically in the
14 meeting on the 16th in regards to health care, to eliminate
15 replication and duplication.

16 I've had conversations with numerous county
17 sheriffs and numerous members of the Board of Corrections to
18 talk about how we can work more collaboratively so that we have
19 a continuity. I have a vision that the agency will be the
20 leader of a collaboration that deals with incarceration from the
21 time of arrest to time of re-entry.

22 SENATOR ROMERO: Finally, just on the question of
23 recidivism, we get statistics all over the place. Even when I
24 take a look at how recidivism is calculated for CDC and CYA, and
25 we look at this 24-month period, that is -- and I'm not
26 attributing it to you, but I am looking for some change coming
27 from the agency -- that's playing fast and loose with
28 statistics, to limit our success to a 24-month period.

1 Have you looked at perhaps how we might
2 recalculate a true and accurate recidivism figure for both CDC
3 and CYA, and is that something that you'd be able to share with
4 us today?

5 MR. HICKMAN: No, I haven't looked at how to
6 calculate it. What I did do, though, is I went forward in the
7 budget year to say that I need a research position at agency so
8 that we can make decisions and do research, which we don't have
9 the capability to do now.

10 So, very early on once the budget has passed, if
11 it currently remains the same, I'll have a research position to
12 do just that. And I hope report back to you with evidence-based
13 information once I have the research position filled.

14 SENATOR ROMERO: Thank you.

15 CHAIRMAN BURTON: Senator Karnette.

16 SENATOR KARNETTE: I'm concerned about management
17 skills that the staff would have. Do you have plan for helping
18 them with staff development, or whatever you would do? Because
19 the fiscal management has been a problem, and I think sometimes
20 that's just because people aren't well trained in how to
21 manage. We could save a lot of money, I think, if we had good
22 fiscal training.

23 MR. HICKMAN: The Department of Corrections did
24 fiscal management training starting yesterday. For the first
25 time they brought the wardens, the health care managers, and the
26 associate wardens of their business services together to do
27 training in the area of fiscal.

28 We have a far more active role in agency than we

1 had in the past.

2 Now, in the area of overall leadership and
3 management training, I have the good fortune of being involved
4 in the training arena for many, many years, and I've established
5 relationships with numerous other agencies -- STRS, the National
6 Institute of Corrections. I've got a relationship with the
7 Leader to Leader Institute in New York.

8 So, what we're going to do in a collaborative
9 fashion, because leadership training and management training
10 throughout the country needs to be developed, and we'll be able
11 to get some opportunities for training through collaboration,
12 which is very, very beneficial in that you integrate people that
13 are in the correctional environment with people that are not in
14 the correctional environment. We have leaders -- we have
15 managers that are attending leadership training right now with
16 STRS.

17 So, we're going to be doing those continual
18 collaborations. And I think the development of those training
19 programs will come out of the Corrections Department with an
20 increased emphasis on training coming at the level that Director
21 Woodford's going to attempt to do. We need it both in
22 Corrections and Youth Authority.

23 CHAIRMAN BURTON: Do you have family here?

24 MR. HICKMAN: Yes, a lot.

25 CHAIRMAN BURTON: Go for it.

26 MR. HICKMAN: Stand, please.

27 I have my father, George Hickman; my mother,
28 Helen Hickman; my aunt, Roberta Kavinsky; and my wife, Gloria

1 who is the one that really keeps me together, in so much that I
2 am. And I want to thank you for being here.

3 CHAIRMAN BURTON: I have one question, two
4 comments.

5 I want to get back to the Fifth Amendment. They
6 took the Fifth Amendment.

7 MR. HICKMAN: Yes.

8 CHAIRMAN BURTON: Were they under suspicion of
9 criminal activity? That's when you take the Fifth.

10 MR. HICKMAN: They and their representatives must
11 have assumed that they were, and based upon the fact that they
12 were using the Fifth as a standard, they hadn't moved to the
13 administrative side where we have the capability of doing
14 Lybarger, compelling them. So once --

15 CHAIRMAN BURTON: I'm sorry?

16 MR. HICKMAN: There's a provision called a
17 Lybarger provision in the administrative proceeding where you
18 can compel someone to talk, but you need to go through your
19 criminal piece first to make sure you're not jeopardizing the
20 criminal investigation.

21 So, if they pled the Fifth, they and their
22 representatives must have assumed they were a subject to
23 criminal, and they must have been noticed that way.

24 CHAIRMAN BURTON: Well, let's assume somebody
25 beat somebody to death outside, whatever. So they take the
26 Fifth.

27 Nobody in the world can compel them to talk.

28 MR. HICKMAN: They take the Fifth, knowing that

1 we can't compel them to talk.

2 CHAIRMAN BURTON: You can fire them.

3 MR. HICKMAN: We can fire them still.

4 CHAIRMAN BURTON: You have the authority. In
5 other words, if somebody avails themselves of the Constitutional
6 right of the Fifth Amendment as part of your state law or the
7 law of contracts -- just idle curiosity -- you have the ability,
8 they could be dismissed from the job?

9 MR. HICKMAN: They can be dismissed once they are
10 no longer subject to the criminal investigation and you compel
11 them administratively, and that's a sanction administratively.

12 CHAIRMAN BURTON: What if it was somebody, in
13 other words, that they could be brought up. I'm not saying that
14 they did it, but they could be brought up on a criminal charge
15 and they take the Fifth, in other words, like once the statute
16 of limitations runs?

17 The only way criminal things can be disposed of
18 is: if they're tried and found not guilty; if the statute of
19 limitation runs; or, I guess, the DA doesn't bring the
20 information or a true bill before a grand jury. Just the
21 process.

22 MR. HICKMAN: Once those things that you
23 described as process is finished, you have the ability to compel
24 them and discipline them if, in fact, the DA didn't pick it up
25 right.

26 CHAIRMAN BURTON: There's two things, as we say
27 in San Francisco, that the only two things I've ever heard about
28 you in the negative --

1 MR. HICKMAN: In San Francisco?

2 [Laughter.]

3 CHAIRMAN BURTON: One is, and I think you said it
4 today -- and these were not people opposing your confirmation,
5 just people commenting -- is that when you talked about the
6 small number of bad apples, that it's never been quoted, which
7 then means there's a high percentage of either good apples or
8 people doing the job that aren't the bad.

9 And the other one is that of a tendency, if
10 somebody comes to you with an issue, you'd say, "We'll take care
11 of that," and it doesn't get taken care of.

12 It doesn't need a response. It's a who said,
13 they said, he said. But I'm just saying that those are things
14 that, if you're lumping good people in with the bad in the minds
15 of others, it ain't good for morale or good for whatever. Let's
16 give the Secretary a break, even though it's those people over
17 there.

18 The other thing is, at least in our business
19 here, you tell somebody you're going to do something, that ought
20 to either be done or you say, "Hey, I can't do it. The Governor
21 won't let me. Things have changed."

22 Those are the only two negative comments. And
23 like I say, that's just people chit chatting.

24 MR. HICKMAN: I appreciate the feedback.

25 CHAIRMAN BURTON: Witnesses in support, briefly
26 if we can.

27 MR. MABRY: Chairman Burton and Rules Committee
28 Members, this is once again Roy Mabry, State President for ABCW.

1 I'm here for complete support for Mr. Hickman's
2 confirmation.

3 And also, Senator Karnette, Burton, Johnson, I
4 know this is perhaps your last time serving on a committee over
5 Corrections, or any committee, because of term limits. And
6 Chairman Burton, I just want to thank you for the years of
7 professionalism and intervention whenever we couldn't get the
8 attentions of things we were concerned about through others.

9 Senator Romero, we'll probably be using you for
10 that in the future.

11 SENATOR ROMERO: I still have CYA and a few more
12 wardens; right?

13 CHAIRMAN BURTON: We've got some stuff to do.

14 MR. MABRY: Mr. Hickman, congratulations.

15 MS. AGUILERA-MARRERO: Good afternoon again.
16 This is Suzanna Aguilera-Marrero, Sam for short, with the
17 Chicano Correctional Workers Association.

18 Again, a privilege and an honor to come before
19 you.

20 The Chicano Correctional Workers Association,
21 2500 members strong, support Mr. Hickman. We've met with him on
22 several occasions, and he seems to be honest. I kind of like to
23 say, he says what he means, means what he says, and there's no
24 in between. If he can't do it, he says he can't do it. And if
25 he's going to try to do it, he tries to do it.

26 And we're going to be very much in support of
27 him, want to work with him, and look forward to doing whatever
28 we can to help the vision, and the goals, and the strategies be

1 successful.

2 CHAIRMAN BURTON: Thank you.

3 Next.

4 MR. TATUM: Good afternoon again. My name is
5 Richard Tatum. I'm the State President of the California
6 Correctional Supervisors Organization.

7 You know, Rod's been with the Department a long,
8 long time. When I first met Rod, I was already a correctional
9 lieutenant with the Department. You know, I've known him all
10 these years.

11 And I think that when Rod says something, he's
12 going to do something, he's going to do it.

13 I think the Governor's made an excellent choice
14 in the two directors that he's appointed in Youth Authority and
15 Corrections, but that Agency Secretary has to be somebody up
16 there that has a hands-on approach. What good is an Agency
17 Secretary if he sets up in his office and does nothing, and he
18 lets the directors get themselves in trouble?

19 And I think you're going to find with Rod, in all
20 the years that I've known him, that he's going to be there,
21 seeing what's going on, and have that hands-on approach.

22 So, we request that you confirm him.

23 Thank you.

24 CHAIRMAN BURTON: Thanks.

25 Next.

26 MR. SINGH: Thank you, Senator. Good afternoon
27 again. I am Dar Singh from San Francisco. I have been a member
28 of the Prison Industry Board since 1995, serving as a two-term

1 vice chairman.

2 I have had the privilege of working with Mr. Rod
3 Hickman both at the Mule Creek State Prison and Department of
4 Corrections Central Office. He has a wealth of experience in
5 different capacities in Corrections and many other different
6 vocations. I have been impressed by his ability to build
7 consensus and administrative skills.

8 I am pleased to recommend him for his
9 confirmation as Agency Secretary.

10 CHAIRMAN BURTON: Thank you very much.

11 Next witness in support.

12 Witnesses in opposition? Ma'am, you are in
13 opposition?

14 MS. TUTT: Opposition.

15 Thank you, Senator Burton.

16 I'm Antoinette Tutt of Criminal Justice
17 Advocates, representing correctional officers throughout the
18 state.

19 We're in opposition to Mr. Hickman as Youth and
20 Adult Correctional Agency.

21 Mr. Hickman has had over 20 years of experience
22 in Corrections. I know because I started out with him as an
23 officer.

24 However, there are few and far in between when he
25 has personally taken the charge to help those of minorities in
26 this department. I say this regretfully, because when we tried
27 to make contact with Mr. Hickman over 30 times in the last four
28 months, we have got no response. Yet, we could have saved the

1 Department millions of dollars in adverse action and adversarial
2 proceedings.

3 There is a continuous rejection, to stonewall and
4 to not return our calls. This is a high stakes environment.
5 And as minority people, we must have a voice; we must have the
6 ability, and for someone to have an ear to listen to our
7 complaints.

8 His philosophy is of control and containment to
9 avoid any embarrassment, and we understand that.

10 However, we as minorities, must not take the
11 position to bow down and to tap dance just to avoid controversy.

12 We do not take it lightly that we have to come
13 here today and speak our complaints. We are in opposition, and
14 we thank you for your time.

15 I'd like to thank you, Ms. Romero, for your
16 people listening to us out in the field and here up in
17 Sacramento. It has been a lot of pressure taken off, because
18 they have had an ear to listen to us, and thank you, Senator.

19 SENATOR KARNETTE: I have a question.

20 You're not a member of the regular union though?

21 MS. TUTT: No.

22 SENATOR KARNETTE: Not the one that's recognized.

23 MS. TUTT: No, ma'am.

24 SENATOR KARNETTE: But you're a loose group of
25 people that --

26 MS. TUTT: No, we are a private group, and we're
27 going for our DPA approval right now. We're having a vote
28 that's coming up in July.

1 SENATOR KARNETTE: And how many members do you
2 have?

3 MS. TUTT: One hundred and eighty-seven.

4 SENATOR KARNETTE: And they pay dues?

5 MS. TUTT: They pay dues.

6 CHAIRMAN BURTON: Thank you, ma'am.

7 Other witnesses in opposition? Hearing none,
8 move the nomination.

9 SENATOR ROMERO: Senator Burton, if I can just
10 say again, too, I think we've just been through an amazing time
11 with respect to Corrections. It's good luck to you.

12 But one thing that I can say, though, Senator
13 Burton, is that I do believe that we would be in receivership if
14 it were not for, I think more so than anything, the confidence,
15 I believe, of the Special Master in the leadership of Secretary
16 Hickman.

17 And I think it's largely on that grounds that I
18 am going to support the confirmation today.

19 We have had very good conversations. He has
20 always, I think, been very responsive to my requests.

21 We don't always agree philosophically on all
22 issues, but I have always found him to be extremely responsive.

23 And I don't think we -- I hope we can't get any
24 worse than where we've been.

25 CHAIRMAN BURTON: For the record, she has told me
26 that privately, as well as saying it in front of you.

27 And I would say that I have the greatest respect
28 for Jeanne Woodford, and she speaks highly of you.

1 SENATOR JOHNSON: Move the nomination.

2 CHAIRMAN BURTON: It's been moved. I have a few
3 comments.

4 I guess one of the things you have to do is,
5 whoever takes your place over at San Quentin, they can't mess
6 with my brother Bobby's library. Other than that, I think it's
7 fine.

8 You two have a job to do. Four of us, Brulte,
9 won't be here either. But Senator Romero will be there to help
10 you do the right thing.

11 In some ways, you're very fortunate because it's
12 a tough thing, but any improvement is going to look like it's
13 great improvement, in our judgment, the way the Agency and the
14 Department have been run.

15 Call the roll.

16 SECRETARY WEBB: Senator Karnette.

17 SENATOR KARNETTE: Aye.

18 SECRETARY WEBB: Karnette Aye. Senator Romero.

19 SENATOR ROMERO: Aye.

20 SECRETARY WEBB: Romero Aye. Senator Johnson.

21 SENATOR JOHNSON: Aye.

22 SECRETARY WEBB: Johnson Aye. Senator Burton.

23 CHAIRMAN BURTON: Aye.

24 SECRETARY WEBB: Burton Aye. Four to zero.

25 CHAIRMAN BURTON: Leave it open for Senator
26 Brulte.

27 MR. HICKMAN: Thank you.

28 [Thereafter, SENATOR BRULTE

1 voted Aye, making the final
2 vote 5-0 for confirmation.]

3 [Thèreupon this portion of the
4 Senate Rules Committee hearing
5 was terminated at approximately
6 3:30 P.M.]

7 --ooOoo--
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

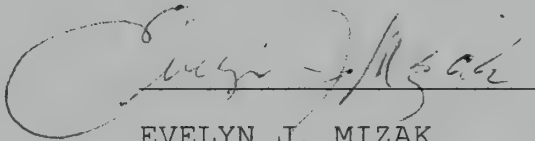
CERTIFICATE OF SHORTHAND REPORTER

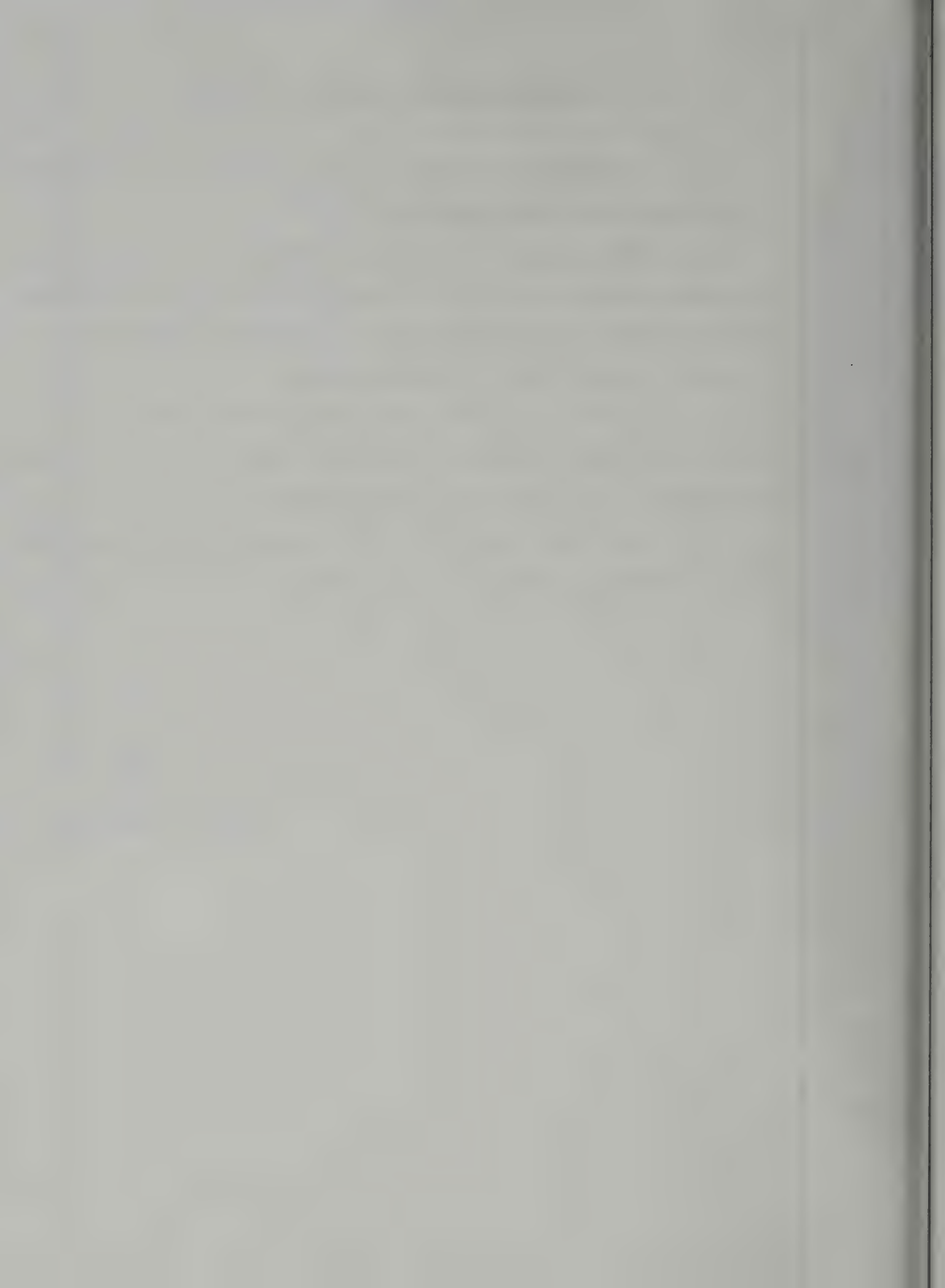
I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of June, 2004.


EVELYN J. MIZAK
Shorthand Reporter



APPENDIX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEPARTMENT OF CORRECTIONS

P.O. Box 942883

Sacramento, CA 94283-0001



May 26, 2004

The Honorable John L. Burton, Chair
Senate Rules Committee
State Capitol, Room 420
Sacramento, CA 95814

Dear Senator Burton:

Thank you for the opportunity to respond to the questions submitted to me by the Senate Rules Committee, in anticipation of my confirmation hearing on June 16, 2004. I am looking forward to discussing these issues as well as any others during my hearing.

The enclosed binder contains my specific responses along with, if warranted, additional information pertinent to the issue. As this is a critical time in the California Department of Corrections, as well as the State government generally, I have had an opportunity to deal with most of these issues to some degree already and am continuing to do so. We have many challenges in corrections, but I am committed to meeting them with the help of dedicated staff in the Department.

As the Department cannot solve or address all of these challenges alone, I look forward to working with you, the Legislature, and the Administration to do the best we possibly can to not only address these issues, but to do so in a manner that is open, fair, judicious, and fiscally responsible, in order to ensure the public safety, and the well being of our inmates, parolees, and staff.

Thank you again for this opportunity to discuss these issues. I am honored that Governor Schwarzenegger has chosen me to lead the California Department of Corrections, and I am honored to be considered for confirmation by the State Senate. I thank you for your support. If you have any additional questions, I may be reached at 445-7688.

Sincerely,

A handwritten signature in black ink, appearing to read "J. S. Woodford", is written over a large, stylized, and somewhat abstract graphic element that resembles a star or a large letter 'J'.

J. S. WOODFORD
Director

Enclosures

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATER RULE'S REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

TABLE OF CONTENTS

GENERAL ISSUES	RESPONSE
1. Statement of Goals/Hope to Accomplish	Goals - 1
2. Population Data (Classification/Race/Gender/Age)	Population - 2
3. Performance & Outcome Measures – CDC	Performance - 3
4. Performance Review Panel – Structural Changes	Str. Changes - 4
BUDGET	
5. Warden Accountability for Budgets Tools/Beyond Control	Wardens -5
6. Structural Budget Issues Major Cost Factors/Accountability Sick Leave/Overtime	Budget - 6
MANAGEMENT	
7. Training Programs	Tr. Progs. -7
8. New Retirement Preparation Eligibility (2006)	Retirement - 8
9. Staff Misconduct/Code of Silence/OIG	St. Miscond. - 9
CUSTODY	
10. Local Public Safety Officials – Coord.Of. Information	Locals - 10
11. Gang Intervention/Violence Control	Gangs - 11
12. Appeals Process	Appeals - 12
13. Family Visits – Female Inmates	Fam. Visits - 13
14. Visiting Day Reductions/Process	Visiting – 14
15. Institutional Smoking Policy	Smoking - 15
PROGRAM	
A – 1. Educational Program Data	Educ. – A-1
A – 2. Vocational Program Data	Voc. – A-2
A – 3. Work Programs Data	Work - A-3
A – 4. Substance Abuse Treatment Programs	SAP – A-4
16. Program/Recidivism Reduction	Pgr/Recid. - 16
17. Education – Vocational Assignments – Evaluation	ED/VOC. - 17
18. Women's Gender Specific Programs	Gender - 18
19. College Courses	College - 19

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATER RULE'S REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

79

TABLE OF CONTENTS

HEALTH CARE	
20. Oversight – HCSD	HCSD - 20
21. Wardens Role – Health Services Delivery	Wardens - 21
22. Inmate Co-Pay	Co-Pay - 22
23. Managed Care Strategies	Mngd. Care - 23
24. Out-of-Prison Health Care Costs	Out. Prison - 24
25. BSA Audit – Med. Services Contracts	BSA - 25
26. Pharmaceutical Costs	Pharm. - 26
27. Pharmaceutical Treatment Algorithms	Algor. - 27
28. Healthcare Recruitment	Recruit. - 28
PAROLE ISSUES	
29. New Parole Model	New Parole - 29
30. Existing Programs – Effectiveness	Exist. Prog. - 30
31. Mental Health Services Continuum	M.H. Contin. 31
32. Psychological Evaluations – Lifers	Psych. Eval. - 32
OTHER ISSUES	
33. Technology – Information/Systems	Info. Tech. - 33
34. Legal Actions Against CDC	Legal - 34

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

GENERAL ISSUES

1. Please provide us with a statement of goals. What do you hope to accomplish during your tenure?

I hope to accomplish much for the California Department of Corrections (CDC) over the next few years. My difficulty isn't identifying issues that require resolution it is prioritizing the many objectives I personally want to accomplish; however, I will identify my most immediate goals for the Committee.

In my first two months, I worked with Secretary Hickman and Parole and Community Services Division to expand the CDC's parole strategy. This was a priority as we had to prepare our initiatives for funding in the May Revision of the Governor's Budget. I have always said that the more firmly you have parolees planted in their community, the greater services you will have reducing the recidivism rate. Increasing community treatment opportunities and identifying initiatives to work with parolees in their community will reduce our recidivism rate, and I believe will end the cycle of crime we experience in our poorer communities.

Also, in my first two months, I worked with budget staff, Secretary Hickman, and the Department of Finance to address the structural deficiencies in our budget. I cannot, nor would I take credit for this, as this was well underway before I arrived in Sacramento. I am pleased to have been involved in the latter stages of this process. I know we can manage within our budgets for the first time in many years. This was and is everyone's goal.

It is my intent to work with staff to develop the CDC's institutional strategy. We expect to work on this over the summer and have an institutional strategy plan completed by September 2004.

The institutional strategy will address initiatives to improve staff safety. Staff safety will be addressed through a combination of initiatives including more programs for inmates, higher expectations for inmates' behavior, and incentives for inmates who program appropriately. We must reduce violence in our prisons.

The institutional strategy plan will address educational, vocational and program expectations for inmates by gender, and custody and level. It is my belief that we must begin preparing inmates for parole from the moment they enter prison with a combination of education, vocational, and self-help programs. This strategy will include the greater use of volunteers. Every aspect of corrections will be reflected to identify our goals for inmates by custody level and gender. Our

strategies will be designed to reduce violence and reduce recidivism through increased program participation by inmate.

The institutional strategy will identify program objectives for visiting and contact with the families of offenders. Visiting should be a program with a strategy to better prepare families for the return of their loved ones when released on parole.

It is also my goal to develop a very detailed five-year training program for staff. The five-year training program will address (1) the ongoing training needs of CDC employees of all classifications; (2) the daily training need of our employees; and (3) upward mobility and succession training to ensure successors are ready and able to replace the multitude of employees at the supervisory and management levels over the next five years in anticipation of a large exodus of managers expected in January 1, 2006.

It is also my goal to establish an 18-month audit system for institutions. Each prison will be audited based on the standards established for the mission of that prison. I hope to have the standards identified and an audit tool developed in the next six months. It is important to me that every aspect of institutional operations be addressed to include fiscal, security operations, visiting and inmate programs, staff training, staff discipline, educational and vocational programs, health care services, appeals, classification, and use of force, to name a few. We have already begun to look at best practices of other states. I have had discussions with the National Institute of Corrections and they have agreed to assist us in developing sound audit processes.

It is my goal to bring transparency to the audit process. I am in dialogue with the Inspector General to develop a method for outside review of our audit function.

Routine auditing is key to addressing many of the cultural issues impacting our prisons. Auditing will bring about consistency and compliance with the highest correctional standards.

I also have among my goals a greater commitment to Information Technology (IT). We must address our problems of information flow within CDC, as well as with local and county government. Greater information technology will allow us to more safely house inmates, improve health care, and improve public safety, as well as increase fiscal accountability through the enhanced ability to analyze every aspect of our business. The CDC also continues to look at best practices around the country to address our IT needs. We will continue to seek funding to address this concern.

I will, in furthering the goals I outlined above, work to raise the public's and the Legislature's confidence in the CDC. We will be an organization known for sound public policy, staff professionalism, and as an organization committed to public safety. Our strategies will recognize the needs of staff, inmates and their families, victims, and the public. Our goal will be to end victimization through reduced recidivism. We will invite the communities in to help us with our goals.

Further I hope to expand the CDC's ability to provide a research component to every new program we develop and implement. It is critical that we continue programs that give the state of California the best and most fiscally responsible result.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

General Issues

2. Please provide the following data by institution and summarized for all institutions:

- **Total inmate population by classification, race, gender, age group.**

The Offender Information Services Branch, Policy and Evaluation Division, is providing the attached responses to the first bullet in the question number one.

- Attachment 1-A: Total institution population summary data by classification level.
- Attachment 1-B: Total institution population by institution and classification level.
- Attachment 1-C: Total institution population summary data by ethnicity and gender.
- Attachment 1-D: Total institution population by institution, ethnicity and gender. (Does not include inmates in community correctional centers nor hospitals)
- Attachment 1-E: Total institution population summary data by age group and gender.
- Attachment 1-F: Total institution population by institution age group and gender. (Does not include inmates in community correctional centers nor hospitals)

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
May 2004

NUMBER OF FELONS IN THE INSTITUTION POPULATION
BY CURRENT CLASSIFICATION SCORE AND GENDER
AS OF APRIL 30, 2004

The FREQ Procedure

Table of SEX by NLEVEL

SEX (Gender)	NLEVEL (CLASS SCORE)						
Frequency	MISSING	1	2	3	4	Total	
FEMALE		1222	3851	2517	1124	891	9605
MALE		10512	33414	42347	30787	28583	145643
Total		11734	37265	44864	31911	29474	155248

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
 Estimates and Statistical Analysis Section
 Offender Information Services Branch

Department of Corrections
 State of California
 May 2004

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
 BY CURRENT CLASSIFICATION SCORE AND LOCATION
 AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by NLEVEL

AVEGRP2(INSTITUTION)	NLEVEL(CLASS SCORE)					Total
Frequency	MISSING	1	2	3	4	
AVENAL STATE PRISON	37	1477	5472	172	6	7164
CALIFORNIA CORRECTIONAL CENTER	31	3221	1752	930	32	5966
CALIFORNIA CORRECTIONAL INSTIT	656	1607	1464	291	1386	5404
CALIFORNIA INSTITUTION FOR MEN	620	3858	1364	442	271	6555
CALIFORNIA MEDICAL FACILITY	50	450	1171	1160	387	3218
CALIFORNIA MEN'S COLONY	38	1360	2912	2091	137	6538
CALIFORNIA REHABILITATION CENT	11	694	2093	55	2	2855
CALIFORNIA STATE PRISON, CALIP	5	604	219	386	2949	4163
CALIFORNIA STATE PRISON, CENTI	31	454	678	2680	1023	4866
CALIFORNIA STATE PRISON, CORCO	20	753	308	715	3303	5099
CALIFORNIA STATE PRISON, LOS A	6	510	622	773	2553	4464
CALIFORNIA STATE PRISON, SACRA	25	455	152	75	2480	3187
CALIFORNIA STATE PRISON, SAN Q	1402	1700	1609	298	741	5750
CALIFORNIA STATE PRISON, SOLAN	35	639	3171	2075	42	5962
CAL SUBSTAN ABUSE TREAT FAC AN	21	916	2954	936	2052	6879
CHUCKAWALLA VALLEY STATE PRISO	39	1352	2628	80	5	4104
CORRECTIONAL TRAINING FACILITY	25	1220	3568	2089	31	6933
DEUEL VOCATIONAL INSTITUTION	882	1192	853	308	228	3463
Total (Continued)	10512	33414	42347	30787	28583	145643

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
May 2004

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
BY CURRENT CLASSIFICATION SCORE AND LOCATION
AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by NLEVEL

AVEGRP2(INSTITUTION)	NLEVEL(CLASS SCORE)					Total
Frequency	MISSING	1	2	3	4	
FOLSOM STATE PRISON	33	650	1748	1408	24	3863
HIGH DESERT STATE PRISON	166	502	346	1003	2567	4584
IRONWOOD STATE PRISON	14	344	747	3492	86	4683
MULE CREEK STATE PRISON	13	448	699	1397	1049	3606
NORTH KERN STATE PRISON	2513	1051	566	792	133	5055
PITCHESS DETENT CTR-RC	165	664	358	182	95	1464
PELICAN BAY STATE PRISON	21	365	175	193	2661	3415
PLEASANT VALLEY STATE PRISON	11	447	932	2954	307	4651
RIO COSUMNES COR CTR-RC	37	124	64	18	23	266
RICHARD J. DONOVAN CORR FAC AT	633	996	807	1724	164	4324
SALINAS VAL STATE PRISON	11	409	135	286	3580	4421
SANTA RITA CO. JAIL-RC	121	218	154	45	18	556
SIERRA CONSERVATION CENTER	59	3333	1750	863	24	6029
WASCO STATE PRISON	2781	1401	876	874	224	6156
Total	10512	33414	42347	30787	28583	145643

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
May 2004

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
BY CURRENT CLASSIFICATION SCORE AND LOCATION
AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by NLEVEL

AVEGRP2(INSTITUTION)		NLEVEL(CLASS SCORE)					Total
Frequency	MISSING	1	2	3	4		
CALIFORNIA INSTI TUTION FOR WOM	326	763	504	187	57		1837
CALIFORNIA REHAB ILITATION CENT	2	207	152	6	1		368
CENTRAL CALIFORNIA WOMEN'S FAC	461	1228	846	486	430		3451
RIO COSUMNES COR CTR-RC	9	0	0	0	0		9
SIERRA CONSERVAT ION CENTER-CAM	3	238	90	1	0		332
VALLEY SP FOR WO MEN	421	1415	925	444	403		3608
Total	1222	3851	2517	1124	891		9605

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
May 2004

TOTAL INSTITUTION POPULATION
BY GENDER AND ETHNICITY
AS OF APRIL 30, 2004

The FREQ Procedure

Table of SEX by ETHNIC

SEX(Gender) ETHNIC(Ethnic/racial type: mex fil bla whi...)

Frequency							
Row Pct		OTHER		BLACK		HISPANIC WHITE	Total
-----+-----+-----+-----+-----+							
FEMALE		499		3069		2726 4149	10443
		4.78		29.39		26.10 39.73	
-----+-----+-----+-----+-----+							
MALE		8700		44444		56523 42738	152405
		5.71		29.16		37.09 28.04	
-----+-----+-----+-----+-----+							
Total		9199		47513		59249 46887	162848

*NOTE: INCLUDES ALL INSTITUTION POPULATIONS, CIVIL ADDICTS, SAFEKEEPER, ETC..

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
May 2004

MALE FELON INSTITUTION POPULATION
BY ETHNICITY AND LOCATION
AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency						
Row Pct		OTHER	BLACK	HISPANIC	WHITE	
-----+-----+-----+-----+-----+-----						
AVENAL STATE PRISON		390 5.44	1784 24.90	3164 44.17	1826 25.49	7164
-----+-----+-----+-----+-----+-----						
CALIFORNIA CORRECTIONAL CENTER		291 4.88	1549 25.96	1913 32.07	2213 37.09	5966
-----+-----+-----+-----+-----+-----						
CALIFORNIA CORRECTIONAL INSTIT		233 4.31	1710 31.64	2368 43.82	1093 20.23	5404
-----+-----+-----+-----+-----+-----						
CALIFORNIA INSTITUTION FOR MEN		220 3.36	2097 31.99	2322 35.42	1916 29.23	6555
-----+-----+-----+-----+-----+-----						
CALIFORNIA MEDICAL FACILITY		211 6.56	1176 36.54	665 20.67	1166 36.23	3218
-----+-----+-----+-----+-----+-----						
CALIFORNIA MEN'S COLONY		443 6.78	1850 28.30	2309 35.32	1936 29.61	6538
-----+-----+-----+-----+-----+-----						
CALIFORNIA REHABILITATION CENT		151 5.29	867 30.37	1289 45.15	548 19.19	2855
-----+-----+-----+-----+-----+-----						
CALIFORNIA STATE PRISON, CALIP		247 5.93	1173 28.18	2013 48.35	730 17.54	4163
-----+-----+-----+-----+-----+-----						
CALIFORNIA STATE PRISON, CENTI		323 6.64	1397 28.71	2579 53.00	567 11.65	4866
-----+-----+-----+-----+-----+-----						
CALIFORNIA STATE PRISON, CORCO		210 4.12	1900 37.26	1746 34.24	1243 24.38	5099
-----+-----+-----+-----+-----+-----						
CALIFORNIA STATE PRISON, LOS A		239 5.35	1281 28.70	1589 35.60	1355 30.35	4464
-----+-----+-----+-----+-----+-----						
CALIFORNIA STATE PRISON, SACRA		186 5.84	1340 42.05	877 27.52	784 24.60	3187
-----+-----+-----+-----+-----+-----						
CALIFORNIA STATE PRISON, SAN Q		470 8.17	1938 33.70	1345 23.39	1997 34.73	5750
-----+-----+-----+-----+-----+-----						
CALIFORNIA STATE PRISON, SOLAN		520 8.72	2212 37.10	1392 23.35	1838 30.83	5962
-----+-----+-----+-----+-----+-----						
CAL SUBSTAN ABUSE TREAT FAC AN		329 4.78	1444 20.99	2949 42.87	2157 31.36	6879
-----+-----+-----+-----+-----+-----						
CHUCKAWALLA VALLEY STATE PRISO		250 6.09	942 22.95	2096 51.07	816 19.88	4104
-----+-----+-----+-----+-----+-----						
Total		8403	43115	53741	40384	145643
(Continued)						

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
 Estimates and Statistical Analysis Section
 Offender Information Services Branch

Department of Corrections
 State of California
 May 2004

MALE FELON INSTITUTION POPULATION
 BY ETHNICITY AND LOCATION
 AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by ETHNIC

AVEGRP2(INSTITUTION)	ETHNIC(ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CORRECTIONAL TRA INING FACILITY	566 8.16	2018 29.11	2640 38.08	1709 24.65	6933
DEVEL VOCATIONAL INSTITUTION	187 5.40	892 25.76	920 26.57	1464 42.28	3463
FOLSOM STATE PRI SON	273 7.07	1318 34.12	1033 26.74	1239 32.07	3863
HIGH DESERT STAT E PRISON	325 7.09	1661 36.23	1314 28.66	1284 28.01	4584
IRONWOOD STATE P RISON	317 6.77	1359 29.02	2318 49.50	689 14.71	4683
MULE CREEK STATE PRISON	263 7.29	684 18.97	1115 30.92	1544 42.82	3606
NORTH KERN STATE PRISON	181 3.58	1425 28.19	2239 44.29	1210 23.94	5055
PITCHESS DETENT CTR-RC	37 2.53	611 41.73	579 39.55	237 16.19	1464
PELICAN BAY STAT E PRISON	179 5.24	1045 30.60	1421 41.61	770 22.55	3415
PLEASANT VALLEY STATE PRISON	290 6.24	1189 25.56	1856 39.91	1316 28.29	4651
RIO COSUMNES COR CTR-RC	8 3.01	130 48.87	31 11.65	97 36.47	266
RICHARD J. DONOV AN CORR FAC AT	270 6.24	1485 34.34	1280 29.60	1289 29.81	4324
SALINAS VAL STAT E PRISON	227 5.13	1500 33.93	1666 37.68	1028 23.25	4421
SANTA RITA CO. J AIL-RC	19 3.42	333 59.89	87 15.65	117 21.04	556
SIERRA CONSERVAT ION CENTER	331 5.49	1731 28.71	1776 29.46	2191 36.34	6029
WASCO STATE PRIS ON	217 3.53	1074 17.45	2850 46.30	2015 32.73	6156
Total	8403	43115	53741	40384	145643

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
 Estimates and Statistical Analysis Section
 Offender Information Services Branch

Department of Corrections
 State of California
 May 2004

FEMALE FELON INSTITUTION POPULATION
 BY ETHNICITY AND LOCATION
 AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency	Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CALIFORNIA INSTI TUTION FOR WOM	78 4.25	595 32.39	471 25.64	693 37.72		1837
CALIFORNIA REHAB ILITATION CENT	10 2.72	93 25.27	122 33.15	143 38.86		368
CENTRAL CALIFORNIA WOMEN'S FAC	157 4.55	1068 30.95	984 28.51	1242 35.99		3451
RIO COSUMNES COR CTR-RC	0 0.00	6 66.67	0 0.00	3 33.33		9
SIERRA CONSERVAT ION CENTER-CAM	16 4.82	71 21.39	64 19.28	181 54.52		332
VALLEY SP FOR WO MEN	211 5.85	1052 29.16	905 25.08	1440 39.91		3608
Total		472	2885	2546	3702	9605

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
May 2004

TOTAL INSTITUTION POPULATION
BY GENDER AND AGE
AS OF APRIL 30, 2004

The FREQ Procedure

Table of SEX by AGE

SEX (Gender)		AGE						
Frequency	Row Pct	UNDER 18	18 - 19	20 - 24	25 - 29	30 - 34	35 - 39	Total
		+-----+	+-----+	+-----+	+-----+	+-----+	+-----+	+-----+
FEMALE		16	222	1800	1900	1975	1979	10443
		0.15	2.13	17.24	18.19	18.91	18.95	
		+-----+	+-----+	+-----+	+-----+	+-----+	+-----+	+-----+
MALE		1115	10365	43463	27606	22909	19125	152405
		0.73	6.80	28.52	18.11	15.03	12.55	
		+-----+	+-----+	+-----+	+-----+	+-----+	+-----+	+-----+
Total		1131	10587	45263	29506	24884	21104	162848
(Continued)								

Table of SEX by AGE

SEX (Gender)	AGE						
Frequency	Row Pct	40 - 44	45 - 49	50 - 54	55 - 59	60 AND OVER	Total
-----+-----+-----+-----+-----+-----+-----+-----							
FEMALE		1398	676	297	125	55	10443
		13.39	6.47	2.84	1.20	0.53	
-----+-----+-----+-----+-----+-----+-----+-----							
MALE		13542	7637	3757	1611	1275	152405
		8.89	5.01	2.47	1.06	0.84	
-----+-----+-----+-----+-----+-----+-----+-----							
Total		14940	8313	4054	1736	1330	162848

*NOTE: INCLUDES ALL INSTITUTION POPULATIONS, CIVIL ADDICTS, SAFEKEEPER, ETC.,

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services BranchDepartment of Corrections
State of California
May 2004MALE FELON INSTITUTION POPULATION
BY AGE AND LOCATION
AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by AGE

AVEGRP2 (INSTITUTION)		AGE						
Frequency		UNDER 18	18 - 19	20 - 24	25 - 29	30 - 34	35 - 39	Total
Row Pct								
AVENAL STATE PRISON		33	299	1607	1316	1136	1044	7164
		0.46	4.17	22.43	18.37	15.86	14.57	
CALIFORNIA CORRECTIONAL CENTER		14	289	1564	1195	1058	847	5966
		0.23	4.84	26.22	20.03	17.73	14.20	
CALIFORNIA CORRECTIONAL INSTITUTION		198	425	1394	907	761	668	5404
		3.66	7.86	25.80	16.78	14.08	12.36	
CALIFORNIA INSTITUTION FOR MEN		19	268	1443	1171	1087	992	6555
		0.29	4.09	22.01	17.86	16.58	15.13	
CALIFORNIA MEDICAL FACILITY		5	115	724	517	515	474	3218
		0.16	3.57	22.50	16.07	16.00	14.73	
CALIFORNIA MEN'S COLONY		27	290	1522	1150	1096	995	6538
		0.41	4.44	23.28	17.59	16.76	15.22	
CALIFORNIA REHABILITATION CENT		11	116	604	557	490	430	2855
		0.39	4.06	21.16	19.51	17.16	15.06	
CALIFORNIA STATE PRISON, CALIP		61	425	1504	800	493	374	4163
		1.47	10.21	36.13	19.22	11.84	8.98	
CALIFORNIA STATE PRISON, CENTI		87	577	1783	788	601	450	4866
		1.79	11.86	36.64	16.19	12.35	9.25	
CALIFORNIA STATE PRISON, CORCO		59	537	1853	902	641	440	5099
		1.16	10.53	36.34	17.69	12.57	8.63	
CALIFORNIA STATE PRISON, LOS A		36	377	1374	815	595	487	4464
		0.81	8.45	30.78	18.26	13.33	10.91	
CALIFORNIA STATE PRISON, SACRA		47	422	1270	529	359	253	3187
		1.47	13.24	39.85	16.60	11.26	7.94	
CALIFORNIA STATE PRISON, SAN Q		8	181	1419	1070	1044	822	5750
		0.14	3.15	24.68	18.61	18.16	14.30	
CALIFORNIA STATE PRISON, SOLAN		25	343	1556	1070	944	764	5962
		0.42	5.75	26.10	17.95	15.83	12.81	
CAL SUBSTAN ABUSE TREAT FAC AN		52	501	1904	1115	940	858	6879
		0.76	7.28	27.68	16.21	13.66	12.47	
CHUCKAWALLA VALLEY STATE PRISON		15	249	1119	809	663	523	4104
		0.37	6.07	27.27	19.71	16.15	12.74	
Total		1109	10158	41779	26239	21719	18095	145643
(Continued)								

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
 Estimates and Statistical Analysis Section
 Offender Information Services Branch

Department of Corrections
 State of California
 May 2004

MALE FELON INSTITUTION POPULATION
 BY AGE AND LOCATION
 AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by AGE

AVEGRP2 (INSTITUTION)		AGE						Total
Frequency		40 - 44	45 - 49	50 - 54	55 - 59	60 AND OVER		
Row Pct								
AVENAL STATE PRISON		774 10.80	443 6.18	254 3.55	147 2.05	111 1.55		7164
CALIFORNIA CORRECTIONAL CENTER		603 10.11	259 4.34	102 1.71	24 0.40	11 0.18		5966
CALIFORNIA CORRECTIONAL INSTIT		477 8.83	292 5.40	176 3.26	71 1.31	35 0.65		5404
CALIFORNIA INSTITUTION FOR MEN		789 12.04	436 6.65	219 3.34	82 1.25	49 0.75		6555
CALIFORNIA MEDICAL FACILITY		387 12.03	203 6.31	136 4.23	62 1.93	80 2.49		3218
CALIFORNIA MEN'S COLONY		642 9.82	413 6.32	211 3.23	99 1.51	93 1.42		6538
CALIFORNIA REHABILITATION CENT		287 10.05	185 6.48	91 3.19	34 1.19	50 1.75		2855
CALIFORNIA STATE PRISON, CALIP		256 6.15	125 3.00	67 1.61	33 0.79	25 0.60		4163
CALIFORNIA STATE PRISON, CENTI		285 5.86	163 3.35	75 1.54	29 0.60	28 0.58		4866
CALIFORNIA STATE PRISON, CORCO		323 6.33	200 3.92	79 1.55	39 0.76	26 0.51		5099
CALIFORNIA STATE PRISON, LOS A		357 8.00	220 4.93	103 2.31	52 1.16	48 1.08		4464
CALIFORNIA STATE PRISON, SACRA		168 5.27	82 2.57	32 1.00	13 0.41	12 0.38		3187
CALIFORNIA STATE PRISON, SAN Q		589 10.24	352 6.12	166 2.89	68 1.18	31 0.54		5750
CALIFORNIA STATE PRISON, SOLAN		567 9.51	358 6.00	190 3.19	85 1.43	60 1.01		5962
CAL SUBSTAN ABUSE TREAT FAC AN		635 9.23	397 5.77	215 3.13	120 1.74	142 2.06		6879
CHUCKAWALLA VALLEY STATE PRISO		370 9.02	182 4.43	98 2.39	45 1.10	31 0.76		4104
Total		12853	7278	3610	1553	1250		145643
(Continued)								

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services BranchDepartment of Corrections
State of California
May 2004MALE FELON INSTITUTION POPULATION
BY AGE AND LOCATION
AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by AGE

AVEGRP2 (INSTITUTION)	AGE						
Frequency							
Row Pct	UNDER 18	18 - 19	20 - 24	25 - 29	30 - 34	35 - 39	Total
CORRECTIONAL TRAINING FACILITY	33	460	1942	1286	1033	873	6933
	0.48	6.63	28.01	18.55	14.90	12.59	
DEUEL VOCATIONAL INSTITUTION	10	160	862	650	588	503	3463
	0.29	4.62	24.89	18.77	16.98	14.52	
FOLSOM STATE PRISON	19	262	1098	728	585	492	3863
	0.49	6.78	28.42	18.85	15.14	12.74	
HIGH DESERT STATE PRISON	40	503	1657	800	498	431	4584
	0.87	10.97	36.15	17.45	10.86	9.40	
IRONWOOD STATE PRISON	85	551	1766	811	601	392	4683
	1.82	11.77	37.71	17.32	12.83	8.37	
MULE CREEK STATE PRISON	24	220	970	649	537	476	3606
	0.67	6.10	26.90	18.00	14.89	13.20	
NORTH KERN STATE PRISON	9	253	1394	972	767	652	5055
	0.18	5.00	27.58	19.23	15.17	12.90	
PITCHESS DETENT CTR-RC	7	128	460	254	223	187	1464
	0.48	8.74	31.42	17.35	15.23	12.77	
PELICAN BAY STATE PRISON	45	461	1465	561	367	245	3415
	1.32	13.50	42.90	16.43	10.75	7.17	
PLEASANT VALLEY STATE PRISON	29	321	1292	821	697	626	4651
	0.62	6.90	27.78	17.65	14.99	13.46	
RIO COSUMNES COR CTR-RC	1	8	47	52	49	44	266
	0.38	3.01	17.67	19.55	18.42	16.54	
RICHARD J. DONOVAN CORR FAC AT	18	238	1186	734	675	599	4324
	0.42	5.50	27.43	16.98	15.61	13.85	
SALINAS VAL STATE PRISON	59	565	1593	768	548	360	4421
	1.33	12.78	36.03	17.37	12.40	8.14	
SANTA RITA CO. JAIL-RC	0	15	132	82	98	100	556
	0.00	2.70	23.74	14.75	17.63	17.99	
SIERRA CONSERVATION CENTER	23	304	1520	1193	1050	941	6029
	0.38	5.04	25.21	19.79	17.42	15.61	
WASCO STATE PRISON	10	295	1755	1167	980	753	6156
	0.16	4.79	28.51	18.96	15.92	12.23	
Total	1109	10158	41779	26239	21719	18095	145643
(Continued)							

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
May 2004

MALE FELON INSTITUTION POPULATION
BY AGE AND LOCATION
AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by AGE

AVEGRP2 (INSTITUTION)	AGE					
Frequency Row Pct	40 - 44	45 - 49	50 - 54	55 - 59	60 AND OVER	Total
CORRECTIONAL TRAINING FACILITY	602 8.68	384 5.54	195 2.81	77 1.11	48 0.69	6933
DEUEL VOCATIONAL INSTITUTION	348 10.05	204 5.89	83 2.40	35 1.01	20 0.58	3463
FOLSOM STATE PRISON	377 9.76	173 4.48	73 1.89	33 0.85	23 0.60	3863
HIGH DESERT STATE PRISON	306 6.68	179 3.90	79 1.72	43 0.94	48 1.05	4584
IRONWOOD STATE PRISON	255 5.45	129 2.75	58 1.24	22 0.47	13 0.28	4683
MULE CREEK STATE PRISON	336 9.32	192 5.32	106 2.94	50 1.39	46 1.28	3606
NORTH KERN STATE PRISON	463 9.16	319 6.31	129 2.55	63 1.25	34 0.67	5055
PITCHESS DETENT CTR-RC	103 7.04	70 4.78	24 1.64	6 0.41	2 0.14	1464
PELICAN BAY STATE PRISON	133 3.89	67 1.96	53 1.55	9 0.26	9 0.26	3415
PLEASANT VALLEY STATE PRISON	408 8.77	237 5.10	116 2.49	47 1.01	57 1.23	4651
RIO COSUMNES COR CTR-RC	28 10.53	28 10.53	7 2.63	2 0.75	0 0.00	266
RICHARD J. DONOVAN CORR FAC AT	434 10.04	233 5.39	131 3.03	42 0.97	34 0.79	4324
SALINAS VALLEY STATE PRISON	258 5.84	135 3.05	72 1.63	31 0.70	32 0.72	4421
SANTA RITA CO. JAIL-RC	76 13.67	28 5.04	17 3.06	4 0.72	4 0.72	556
SIERRA CONSERVATION CENTER	609 10.10	263 4.36	93 1.54	25 0.41	8 0.13	6029
WASCO STATE PRISON	608 9.88	327 5.31	160 2.60	61 0.99	40 0.65	6156
Total	12853	7278	3610	1553	1250	145643

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
May 2004

FEMALE FELON INSTITUTION POPULATION
BY AGE AND LOCATION
AS OF APRIL 30, 2004

The FREQ Procedure

Table of AVEGRP2 by AGE

AVEGRP2 (INSTITUTION)		AGE						Total
Frequency	Row Pct	UNDER 18	18 - 19	20 - 24	25 - 29	30 - 34	35 - 39	
CALIFORNIA INSTI	3	33	284	352	369	363		1837
TUTION FOR WOM	0.16	1.80	15.46	19.16	20.09	19.76		
CALIFORNIA REHAB	0	1	58	48	84	81		368
ILITATION CENT	0.00	0.27	15.76	13.04	22.83	22.01		
CENTRAL CALIFORN	7	82	601	623	622	634		3451
IA WOMEN'S FAC	0.20	2.38	17.42	18.05	18.02	18.37		
RIO COSUMNES COR	0	0	2	1	2	1		9
CTR-RC	0.00	0.00	22.22	11.11	22.22	11.11		
SIERRA CONSERVAT	0	2	50	59	73	74		332
ION CENTER-CAM	0.00	0.60	15.06	17.77	21.99	22.29		
VALLEY SP FOR WO	6	96	673	662	649	659		3608
MEN	0.17	2.66	18.65	18.35	17.99	18.26		
Total		16	214	1668	1745	1799	1812	9605
(Continued)								

Table of AVEGRP2 by AGE

AVEGRP2 (INSTITUTION)		AGE					Total
Frequency	Row Pct	40 - 44	45 - 49	50 - 54	55 - 59	60 AND OVER	
CALIFORNIA INSTI	256	114	41	16	6		1837
TUTION FOR WOM	13.94	6.21	2.23	0.87	0.33		
CALIFORNIA REHAB	49	31	10	5	1		368
ILITATION CENT	13.32	8.42	2.72	1.36	0.27		
CENTRAL CALIFORN	466	235	111	48	22		3451
IA WOMEN'S FAC	13.50	6.81	3.22	1.39	0.64		
RIO COSUMNES COR	1	2	0	0	0		9
CTR-RC	11.11	22.22	0.00	0.00	0.00		
SIERRA CONSERVAT	45	25	3	1	0		332
ION CENTER-CAM	13.55	7.53	0.90	0.30	0.00		
VALLEY SP FOR WO	458	230	100	51	24		3608
MEN	12.69	6.37	2.77	1.41	0.67		
Total		1275	637	265	121	53	9605

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

TABLE 1
PRISON CENSUS DATA
TOTAL INSTITUTION POP
OFFENDERS BY ADMISSION/RETURN STATUS AND GENDER
as of December 31, 2003

	GENDER					
	FEMALE		MALE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
ADMISSION/RETURN STATUS						
NEW ADMISSION	6,673	66.8	91,007	62.4	97,680	62.7
PV-WNT	1,723	17.2	35,196	24.2	36,919	23.7
PV-RTC	1,276	12.8	13,398	9.2	14,674	9.4
PEND REV	322	3.2	6,127	4.2	6,449	4.1

Note: Previously published numbers may differ due to modifications to the database.

TABLE 2
PRISON CENSUS DATA
TOTAL INSTITUTION POP
OFFENDERS BY CONTROLLING OFFENSE GROUP AND GENDER
as of December 31, 2003

	TOTAL					
	FEMALE		MALE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
OFFENSE GROUP						
MISSING	96	1.0	419	0.3	515	0.3
MURDER 1ST	418	4.2	9,893	6.8	10,311	6.6
MURDER 2ND	508	5.1	9,731	6.7	10,239	6.6
MANSLAUGHTER	217	2.2	2,629	1.8	2,846	1.8
VEHICULAR MANSLAUGHTER	55	0.6	496	0.3	551	0.4
ROBBERY	622	6.2	16,338	11.2	16,960	10.9
ASSAULT DEADLY WEAPON	423	4.2	9,895	6.8	10,318	6.6
OTHER ASSAULT/BATTERY	539	5.4	10,666	7.3	11,205	7.2
RAPE	9	0.1	2,176	1.5	2,185	1.4
LEWD ACT WITH CHILD	62	0.6	7,508	5.2	7,570	4.9
ORAL COPULATION	10	0.1	705	0.5	715	0.5
SODOMY	.	.	231	0.2	231	0.1
PENETRATION WITH OBJECT	4	0.0	447	0.3	451	0.3
OTHER SEX OFFENSES	31	0.3	2,308	1.6	2,339	1.5
KIDNAPPING	88	0.9	2,270	1.6	2,358	1.5
BURGLARY 1ST	317	3.2	6,527	4.5	6,844	4.4
BURGLARY 2ND	564	5.6	5,400	3.7	5,964	3.8
GRAND THEFT	340	3.4	2,258	1.5	2,598	1.7
PETTY THEFT WITH PRIOR	751	7.5	4,773	3.3	5,524	3.5
RECEIVING STOLEN PROPERTY	284	2.8	2,901	2.0	3,185	2.0
VEHICLE THEFT	294	2.9	4,894	3.4	5,188	3.3
FORGERY/FRAUD	730	7.3	1,964	1.3	2,694	1.7
OTHER PROPERTY OFFENSES	71	0.7	590	0.4	661	0.4
CS+ POSSESSION	1,370	13.7	11,691	8.0	13,061	8.4

(Continued)

Note: Previously published numbers may differ due to modifications to the database.

TABLE 2
PRISON CENSUS DATA
TOTAL INSTITUTION POP
OFFENDERS BY CONTROLLING OFFENSE GROUP AND GENDER
as of December 31, 2003

	TOTAL					
	FEMALE			MALE		
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
OFFENSE GROUP						
CS+ POSSESS FOR SALE, ETC	980	9.8	9,963	6.8	10,943	7.0
CS+ SALES, ETC.	408	4.1	4,450	3.1	4,858	3.1
CS+ MANUFACTURING	192	1.9	2,164	1.5	2,356	1.5
CS+ OTHER	113	1.1	671	0.5	784	0.5
HASHISH POSSESSION	1	0.0	24	0.0	25	0.0
MARIJ. POSSESS FOR SALE	19	0.2	655	0.4	674	0.4
MARIJUANA SALES	18	0.2	399	0.3	417	0.3
OTHER MARIJUANA OFFENSES	4	0.0	130	0.1	134	0.1
ESCAPE	18	0.2	177	0.1	195	0.1
DRIVING UNDER THE INFLUEN	95	1.0	2,001	1.4	2,096	1.3
ARSON	44	0.4	382	0.3	426	0.3
POSSESSION OF WEAPON	89	0.9	4,704	3.2	4,793	3.1
OTHER OFFENSES	210	2.1	3,298	2.3	3,508	2.3

Note: Previously published numbers may differ due to modifications to the database.

TABLE 3
 PRISON CENSUS DATA
 TOTAL INSTITUTION POP
 OFFENDERS BY CONTROLLING OFFENSE CATEGORY AND GENDER
 as of December 31, 2003

	GENDER					
	FEMALE		MALE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
OFFENSE CATEGORY						
MISSING	96	1.0	419	0.3	515	0.3
CRIMES AGAINST PERSONS	2,986	29.9	75,293	51.7	78,279	50.3
PROPERTY CRIMES	3,351	33.5	29,307	20.1	32,658	21.0
DRUG CRIMES	3,105	31.1	30,147	20.7	33,252	21.4
OTHER CRIMES	456	4.6	10,562	7.2	11,018	7.1

Note: Previously published numbers may differ due to modifications to the database.

TABLE 4
 PRISON CENSUS DATA
 TOTAL INSTITUTION POP
 OFFENDERS BY ETHNICITY AND GENDER
 as of December 31, 2003

	GENDER					
	FEMALE		MALE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
RACIAL/ETHNIC GROUP						
OTHER	478	4.8	8,385	5.8	8,863	5.7
BLACK	2,992	29.9	43,258	29.7	46,250	29.7
HISPANIC (MEXICAN)	2,635	26.4	53,218	36.5	55,853	35.9
WHITE	3,889	38.9	40,867	28.0	44,756	28.7

Note: Previously published numbers may differ due to modifications to the database.

TABLE 5
PRISON CENSUS DATA
TOTAL INSTITUTION POP
OFFENDERS BY AGE GROUP AND GENDER
as of December 31, 2003

	GENDER					
	FEMALE			MALE		
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
AGE						
UNDER 18	.	.	118	0.1	118	0.1
18 - 19	64	0.6	1,725	1.2	1,789	1.1
20 - 24	972	9.7	20,300	13.9	21,272	13.7
25 - 29	1,438	14.4	24,637	16.9	26,075	16.7
30 - 34	1,706	17.1	24,111	16.5	25,817	16.6
35 - 39	2,112	21.1	23,868	16.4	25,980	16.7
40 - 44	1,870	18.7	22,195	15.2	24,065	15.5
45 - 49	1,023	10.2	14,594	10.0	15,617	10.0
50 - 54	485	4.9	7,672	5.3	8,157	5.2
55 - 59	185	1.9	3,550	2.4	3,735	2.4
60 AND OVER	139	1.4	2,958	2.0	3,097	2.0

Note: Previously published numbers may differ due to modifications to the database.

TABLE 6
PRISON CENSUS DATA
TOTAL INSTITUTION POP
MEAN AGE
as of December 31, 2003

	AGE
	MEAN
GENDER	
FEMALE	37
MALE	36

Note: Previously published numbers may differ due to modifications to the database.

TABLE 7
PRISON CENSUS DATA
TOTAL INSTITUTION POP
OFFENDERS BY COMMITMENT COUNTY AND GENDER
as of December 31, 2003

	GENDER				TOTAL	
	FEMALE		MALE			
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
COMMITMENT COUNTY						
Missing	96	1.0	419	0.3	515	0.3
Alameda	171	1.7	4,191	2.9	4,362	2.8
Alpine	.	.	5	0.0	5	0.0
Amador	15	0.2	150	0.1	165	0.1
Butte	106	1.1	1,183	0.8	1,289	0.8
Calaveras	8	0.1	86	0.1	94	0.1
Contra Costa	80	0.8	1,912	1.3	1,992	1.3
Colusa	5	0.1	81	0.1	86	0.1
Del Norte	3	0.0	181	0.1	184	0.1
El Dorado	23	0.2	389	0.3	412	0.3
Fresno	356	3.6	4,821	3.3	5,177	3.3
Glenn	9	0.1	165	0.1	174	0.1
Humboldt	43	0.4	700	0.5	743	0.5
Imperial	15	0.2	288	0.2	303	0.2
Inyo	4	0.0	72	0.0	76	0.0
Kern	432	4.3	4,841	3.3	5,273	3.4
Kings	138	1.4	1,109	0.8	1,247	0.8
Los Angeles	2,906	29.1	47,740	32.8	50,646	32.5
Lake	37	0.4	473	0.3	510	0.3
Lassen	12	0.1	170	0.1	182	0.1
Madera	76	0.8	638	0.4	714	0.5
Marin	29	0.3	398	0.3	427	0.3
Mendocino	24	0.2	334	0.2	358	0.2
Merced	66	0.7	1,125	0.8	1,191	0.8

(Continued)

Note: Previously published numbers may differ due to modifications to the database.

TABLE 7
PRISON CENSUS DATA
TOTAL INSTITUTION POP
OFFENDERS BY COMMITMENT COUNTY AND GENDER
as of December 31, 2003

	GENDER				TOTAL	
	FEMALE		MALE			
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
COMMITMENT COUNTY						
Mono	5	0.1	27	0.0	32	0.0
Modoc	3	0.0	55	0.0	58	0.0
Monterey	89	0.9	1,436	1.0	1,525	1.0
Mariposa	1	0.0	69	0.0	70	0.0
Napa	20	0.2	353	0.2	373	0.2
Nevada	9	0.1	186	0.1	195	0.1
Orange	522	5.2	7,665	5.3	8,187	5.3
Placer	66	0.7	828	0.6	894	0.6
Plumas	2	0.0	47	0.0	49	0.0
Riverside	679	6.8	8,650	5.9	9,329	6.0
Sacramento	399	4.0	6,582	4.5	6,981	4.5
Santa Barbara	87	0.9	1,306	0.9	1,393	0.9
San Bernardino	746	7.5	9,698	6.7	10,444	6.7
San Benito	12	0.1	96	0.1	108	0.1
Santa Clara	349	3.5	5,915	4.1	6,264	4.0
Santa Cruz	27	0.3	594	0.4	621	0.4
San Diego	837	8.4	10,824	7.4	11,661	7.5
San Francisco	100	1.0	1,699	1.2	1,799	1.2
Shasta	119	1.2	1,164	0.8	1,283	0.8
Sierra	1	0.0	9	0.0	10	0.0
Siskiyou	26	0.3	243	0.2	269	0.2
San Joaquin	191	1.9	3,225	2.2	3,416	2.2
San Luis Obispo	33	0.3	657	0.5	690	0.4
San Mateo	107	1.1	1,524	1.0	1,631	1.0
Solano	164	1.6	1,777	1.2	1,941	1.2

(Continued)

Note: Previously published numbers may differ due to modifications to the database.

TABLE 7
 PRISON CENSUS DATA
 TOTAL INSTITUTION POP
 OFFENDERS BY COMMITMENT COUNTY AND GENDER
 as of December 31, 2003

	GENDER				TOTAL	
	FEMALE		MALE			
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
COMMITMENT COUNTY						
Sonoma	65	0.7	1,170	0.8	1,235	0.8
Stanislaus	153	1.5	2,044	1.4	2,197	1.4
Sutter	56	0.6	470	0.3	526	0.3
Tehama	46	0.5	420	0.3	466	0.3
Trinity	5	0.1	83	0.1	88	0.1
Tulare	152	1.5	2,219	1.5	2,371	1.5
Tuolumne	31	0.3	212	0.1	243	0.2
Ventura	121	1.2	1,671	1.1	1,792	1.2
Yolo	77	0.8	817	0.6	894	0.6
Yuba	40	0.4	522	0.4	562	0.4

Note: Previously published numbers may differ due to modifications to the database.

TABLE 8
 PRISON CENSUS DATA
 TOTAL INSTITUTION POP
 OFFENDERS BY COMMITMENT STATUS AND GENDER
 as of December 31, 2003

	GENDER				TOTAL	
	FEMALE		MALE			
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
COMMITMENT STATUS						
FELON	9,634	96.4	144,299	99.0	153,933	98.9
OTHER	53	0.5	307	0.2	360	0.2
CNA	307	3.1	1,122	0.8	1,429	0.9

Note: Previously published numbers may differ due to modifications to the database.

TABLE 9
 PRISON CENSUS DATA
 TOTAL INSTITUTION POP
 OFFENDERS BY SEX REGISTRATION REQUIREMENT: P290
 as of December 31, 2003

	GENDER					
	FEMALE		MALE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
SEX REGISTRANT						
NO	9,857	98.6	124,830	85.7	134,687	86.5
YES	137	1.4	20,898	14.3	21,035	13.5

Note: Previously published numbers may differ due to modifications to the database.

TABLE 10
 PRISON CENSUS DATA
 TOTAL INSTITUTION POP
 OFFENDERS BY SENTENCE STATUS AND GENDER
 as of December 31, 2003

	GENDER					
	FEMALE		MALE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	9,994	100.0	145,728	100.0	155,722	100.0
SENTENCE STATUS						
OTHER	96	1.0	420	0.3	516	0.3
D=DSL	7,517	75.2	83,005	57.0	90,522	58.1
L=LIFER	854	8.5	18,194	12.5	19,048	12.2
R=DEATH ROW	14	0.1	603	0.4	617	0.4
W=LIFE W/O	123	1.2	2,920	2.0	3,043	2.0
2=2ND STRIKER	1,317	13.2	33,328	22.9	34,645	22.2
3=3RD STRIKER	73	0.7	7,258	5.0	7,331	4.7

Note: Previously published numbers may differ due to modifications to the database.

Note: Second strike offenders who have committed a lifer type offense (eg., murder 1) are included in the Lifer category.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

GENERAL ISSUES

3. At a time when state government is being held accountable for measurable results, please identify the most important performance and outcome measures that the Legislature should use in evaluating CDC. For each of these performance measures, please provide us with any specific plans that could result in identifiable improvements over the next three years.

As stated in my response to question one, over the next few months the CDC will develop acceptable standards for operating a prison and begin the audit process to ensure those standards are met. These standards will include all aspects of institutional operations, from staff training and discipline to services and programs to inmates. I think the Legislature should hold the CDC accountable to meeting those standards. I welcome the Legislature's participation in our audit process. The audit process will ensure at a minimum that institutions meet constitutional standards and, if successful, further staff training and inmate programs, reduce violence, seamlessly transition inmates to parole, and increase public safety through reduced recidivism. If the Legislature funds these initiatives, the Legislature should measure our performance by our ability to accomplish our goals through reduced recidivism. The Legislature should also measure our ability to be fiscally responsible. The CDC should be held accountable for sound correctional policies, procedures, and practices within the fiscal constraints of the budget of the Department's budget.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

GENERAL ISSUES

4. Although Governor Deukmejian's correctional reform team has not yet released its recommendations, are there any suggestions for structural change that you can share with us?

The CDC has traditionally managed all CDC operations as a "one-size fits all" operation. Educational initiatives, health care, mental health care, staff training, etc., were of one design to address all prisons despite their mission, level, location, and the gender of the inmate.

The courts have helped us recognize the different treatment needs of the mentally ill and the health care needs by age; court intervention has forced the CDC to look at gender issues differently. This has been true for the learning disabled and other specialized groups of inmates as well.

It is my goal to utilize a different approach to future planning, development of programs, and policy and procedures. I intend to more closely identify the mission and the goals of that program and policy planning.

I will begin this transition by turning current regional positions into Assistant Directors responsible for specific missions. For example, in my model there will be an assistant director of level I, II, and III male inmates. The assistant director of this mission will identify goals and objectives. These will be more closely aligned with preparing inmates for parole, as 95 percent of this population will parole. The assistant director will identify staff training issues, inmate work/vocational programs, self-help programs, visiting strategies, security, and classification standards, etc., for this level inmate. A total program consistent with the level of inmates will allow the CDC to apply the appropriate strategy to the appropriate mission.

My plan will also include an assistant director of women's programs and health care services, as well as an assistant director of level IV, Security Housing Unit, and Administrative Segregation. A fourth assistant director will address the missions unmet by the three aforementioned assistant directors, such as reception centers, as well as administrative issues that must be addressed.

It is my belief that by identifying clear missions and specific goals, the CDC can be more precise in our approach to the problems of crime and incarceration. Moving away from the "one-size

fits all” mentality will benefit staff and the offender and will, I believe, lead to sound correctional policy.

I look forward to the California Performance Review Panel’s recommendations for addressing other structural deficiencies within the CDC.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

BUDGET

5. In your opinion, should wardens be held more accountable for their individual budgets? Are there portions of an institution's budget for which wardens should not be held accountable? How should institutional and departmental health care costs be evaluated?

I believe Wardens should be held accountable to their budgets. However, because Wardens also must be accountable for sound correctional operations and appropriate care and services, monies must be allotted consistent with the personnel and operating expenses required to carry out the mission of the institutions. For the past several years, the budgets of each institution have not kept pace with the salary and wages or changes of mission. However, over the past several months, the Department has been developing a new budget allotment methodology to address these issues. Built into the methodology is a process whereby wardens are able to request and receive recognition of problems and emergencies. This process includes dialogue with the Department of Finance (DOF). The CDC will also be responsible for providing reports on a quarterly basis to the Legislature that will show the current status of the budget. This process is important for several reasons. First and foremost, the legislature and the DOF will be able to identify wardens who are managing their budgets responsibly. Secondly, those wardens who are not fiscally responsible will become apparent. And, finally, wardens who experience unexpected emergencies or mission change will have the opportunity to receive appropriate funding.

We should be evaluating institution and department health care costs in context of the health care industry as a whole. Significant increases in the cost of health care are not exclusive to the Department of Corrections. In saying this, however, I believe that we should be constantly striving for efficiency in delivering health care, while at the same time setting consistent standards for the delivery of health care. In order to gain dismissal of the various lawsuits regarding health care, and to avoid additional adverse rulings in the future, the Department must provide adequate health care. It is clear to me that I must look at the very structure of health care services. As it is currently organized, it is clear we are unable to fully provide adequate, cost-effective health care.

Bringing automation to health care in the area of pharmacy, electronic medical files, and greater oversight of utilization can and will reduce health care costs. We are also in the

process of implementing many of the recommendations of the Bureau of State Audits to improve health care and reduce health care costs.

In the next few months, with the help of the CPR, we will be developing our Health Care Strategy. I look forward to the findings of the CPR. Additionally, we are currently in the process of a Nation-wide search to identify the most qualified individual to lead the Health Care Services in carrying out the CDC Health Care Strategy. I also look forward to working with the University of California system for assistance in resolving our problems.

Good correctional policy and standards consistent with that policy are integral to the development of reasonable budgets for institution management and accountability. The CDC continues to evaluate policy and we are in the process of implementing an audit unit to identify and develop appropriate audit tools for continued evaluation of institutional and departmental health care costs.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

BUDGET

6. Please discuss your plans to address structural budget issues facing the Department and any major cost factors impacting the budget. How will you address issues related to institutional budget accountability and other issues such as sick leave and overtime usage?

Over the past few years, the Department has been successful in securing additional funding to address a number of structural budget issues that have contributed to funding shortfalls in previous years. **The Department's budget has been augmented to address costs related to medical contracts, security and structural salary issues, workers' compensation, utilities, and unbudgeted sick leave.** Additionally, the Governor's fiscal year 2004/05 Budget proposes to address other structural budget issues by funding costs related to administrative segregation overflow, medical guarding and transportation, and sick leave relief.

The Department is also focused on the need to make changes in the way we do business to improve our efficiency and reduce operational costs. The May Budget Revision, currently being considered by the Legislature, includes several CDC operational efficiency cost saving measures and also includes health care cost saving initiatives. These cost savings measures include the implementation of energy efficiencies, procurement consolidation for institutional items, pharmacy medication management, Hepatitis C clinical management and the implementation of Medi-Cal rates for specific outside health care services. The Department is also examining the use of administrative segregation overflow to ensure we are closely managing the population levels of these units and looking at alternative programs to manage our population. I believe the population can be managed more effectively through the use of programs and incentives.

The Department has worked closely with the Administration to develop a new budgeting methodology for the institutions that reflects the specific programs and activities of each institution. It will establish individual institutional budgets that will include sufficient resources to accomplish the institution's mission. Implementation of the new budgeting methodology and the establishment of individual institutional budgets will provide valuable tools toward controlling costs and provide a sound basis to achieve fiscal accountability.

Beginning in 2004/05, the Department will initiate a position reconciliation process that will reconcile each institution's post assignment schedule to its budgeted position

authority. This process will ensure sound fiscal management and hold the leadership of each institution accountable for successfully operating its required programs within the authorized resources.

The Department will manage sick leave and overtime usage by establishing the required number of permanent posts that corresponds to authorized, budgeted functions; and the level of sick leave relief authorized by current earning and budgeted levels. It is important to note that CDC must comply with our employees' right to use sick leave as guaranteed by the Family Medical Leave Act, the California Family Rights Act, and the various labor contracts as they relate to management's ability to address sick leave. I will seek to improve management's control of sick leave as opportunities are available.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

MANAGEMENT

7. Please provide a description of the training programs offered at each institution for custody and non-custody staff, and management and executive staff. What is the status of any specialized training program for wardens and other executive staff?

The Department's training program begins with its entry-level academies, the Basic Correctional Officer Academy and the Penal Code Section 832 Academy. In addition, all new employees participate in one week of New Employee Orientation training.

The Department also administers four advanced academies for first and second line supervisors, the Sergeant and Lieutenant Academies, the Basic Supervision and Advanced Supervision Courses.

All new managers are required to attend the management-training program. This program consists of one week of program specific training (budgeting, personnel management, labor relations, etc.) and four weeks of leadership and ethics training. These last four weeks were just recently incorporated into our management training and consist of the California Public Safety Leadership and Ethics training program (please see attached brochure). This program was developed by a consortium of public safety organizations in cooperation with the California Community Colleges. It should be noted that I assisted in the development of this course and consider this among my accomplishments.

The California Public Safety Leadership and Ethics program was funded through a grant from the Chancellor's Office of Community Colleges. The curriculum was developed by subject matter experts from all walks of public safety, as well as experts in curriculum development. The target audience is the entry level employee. The idea behind targeting the entry level employee is to begin development of leadership skills and goals at the beginning of employment. Public safety personnel must understand their role as public servants. They must be leaders at work, at home and in their communities. Unfortunately, the California Department of Corrections (CDC) received an opinion from the Department of Personnel Administration prior to my appointment as Director of Corrections that the CDC must pay overtime for rank and file as well as supervisory employees to do their homework. The opinion stated overtime must be paid even if employees volunteered to take the course and even if college credit was given. This course requires extensive reading and writing as each participant must develop a personal leadership plan. I have asked my staff to research this issue further. The California Public Safety

Leadership and Ethics Program is a course designed to address the CDC need for leadership development as well as training designed to identify core values and ethical decision making.

At the institutions, the in-service training offices deliver a range of training. Some of it is job specific. This would include, for example, training on the proper use of restraints, how to be a Staff Assistant to an inmate going through the inmate disciplinary process, one's role and responsibility in the emergency operations plans and many other topics. Other training is to address state and departmental policies. Examples of these would be training on sexual harassment prevention, the appropriate use of force, inmate/staff relations, and tuberculosis awareness and prevention.

The Department has developed a plan to provide training on fiscal management for the Wardens, Health Care Managers and other top-level executives. This training effort began with the Wardens meeting in May 2004. At that meeting the Wardens were advised of the training plan and the expectation that every future meeting would incorporate a fiscal issues update. A more detailed fiscal seminar is planned for this summer. Additional ongoing budget and resource management training for supervisors and managers will be implemented this fall. To augment training provided by our staff, we will be utilizing the training resources of National Institute of Corrections (NIC).

Over the next few months my training staff will be tasked with the responsibility of developing a five year training plan. This plan will address:

1. The ongoing training needs of CDC employees of all classifications
2. The daily training needs of our employees. I will implement statewide the six-minute training program I implemented at SQ. This is a method of providing consistent training and information to all staff by their supervisors on a daily basis. The California Highway Patrol utilizes this method successfully.
3. Upward mobility training designed to prepare our employees for promotion. This training should inspire our employees to take on positions of greater responsibility, as they will have the competencies and self-confidence to do so. We must make leaders of all CDC employees.
4. Succession training must be developed to ensure our successors are there to replace us. January 2006 is quickly approaching. We anticipate thousands of retirements at the supervisory and management level. We must quickly develop fast track training programs to ensure our employees have the skills, knowledges and abilities necessary to replace our retiring staff.

Attachment

LEADERSHIP DEVELOPMENT IS
one of society's most urgent
and critical priorities. After all,
there is no shortage of
leadership opportunities in
our complex world. The
leadership promise in
the Public Safety
professions is great.

For more information about
this unique Public Safety
Leadership and Ethics Program
to develop the leadership
potential within individuals,
their communities,
and their professions,
please contact:

Kevin S. Brame — CPSLEP Program
Director — 909-283-0498 or
KBrame@comcast.net

Monika Byrd — Director of
Phi Theta Kappa Leadership
Development Programs —
601-984-3504 or monika.byrd@ptk.org

<http://cpslep.ptk.org>



CALIFORNIA PUBLIC SAFETY LEADERSHIP & ETHICS PROGRAM

"The most universal craving of our times is for compelling and creative leadership."

James MacGregor Burns

The CALIFORNIA PUBLIC SAFETY LEADERSHIP & ETHICS PROGRAM

an innovative and leading edge program of professional development combining the richness of a classical humanities-based study of leadership with the dynamic complexities of leading in a modern public safety organization.

The **CPSLEP** has been developed by and for industry professionals from the disciplines of Law Enforcement, Fire, and Corrections.

The California Public Safety Leadership & Ethics Program

is a statewide industry collaborative of the California Community College Chancellor's Office Public Safety Education Advisory Committee. **CPSLEP** is a four-course program leading to a certificate in Applied Leadership Development issued by the **CPSLEP** and the **Phi Theta Kappa International Honor Society Leadership Development Program**. The vision of the **CPSLEP** is to prepare members early in their careers to contribute at higher levels of leadership roles and responsibilities within their personal lives, their communities, and their careers.

Course Topics

The four courses include the following topics, among others:

Course One: Developing a Personal Philosophy of Leadership

- personal values and ethical behavior
- philosophies of leadership
- vision

Course Two: Leading Others

- interpersonal communication
- conflict management
- empowering and delegating

Course Three: Organizational Leadership

- organizational defenses, change, and transition
- strategic planning
- group decision-making

Course Four: Ethics and the Challenge of Leadership

- ethical systems
- servant leadership
- leading in a dynamic, diverse community

This program utilizes the **Phi Theta Kappa International Honor Society Leadership Development Program** which actively involves students in the learning process, by doing shared analysis of required readings, video analysis, experiential activities, self-assessments, learning journals, and a leadership development action plan.

Target Audience

The **CPSLEP** is applicable for all levels of public safety professionals. A particular emphasis is placed on those looking to their first supervisory or management position. The **CPSLEP** is also a great program for pre-service personnel to develop a strong foundation in ethical leadership early in their careers.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

MANAGEMENT

8. New retirement eligibility that begins in January 2006 will likely result in the departure of many senior managers. What attention is being given to this problem?

We have identified the number of potential retirements and the classifications that are likely to be most impacted. Within the Bargaining Unit 6 classifications, the estimated number of potential retirements for the supervisory and management classifications is 376. The Department is currently developing and implementing improvements to our supervisor and management training programs. For example, we are beginning to roll out financial management training efforts for our supervisors and managers. These improvements to our training efforts will serve as a foundation for preparing the pool of managers and supervisors from which our new senior managers will be drawn. In addition to our current plans for improving our training programs, a more detailed evaluation of succession training will be completed in the next few months, as resources are available to address the training needs to ensure staff are ready and able to carry out the mission of the CDC. This training must ensure employees have the skills, knowledge and abilities necessary to meet the challenges of promotions. In addition, the training must address the need to develop leadership in our employees as well as ethical, principled decision-making. We have much to do to develop and implement sound succession training prior to January 1, 2006.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

MANAGEMENT

9. What plans do you have for reducing the incidents of staff misconduct and any "code of silence" that may interfere with investigations into any misconduct? Is your administration working with the Office of the Inspector General to address recent concerns that have been raised about employee misconduct and the investigative process, and what steps are being taken?

Yes, the Department is actively pursuing a pro-active strategy to deal with these issues. Staff misconduct and the "code of silence" are matters of extreme importance to me.

The following is a list of activities that are either planned, completed, or currently underway to address the 'code of silence,' employee misconduct, and the investigative process:

1. The Office of the Inspector General is developing an Office of Independent Review to provide assistance and oversight of CDC employee investigations and discipline.
 - o The Office of Independent Review will publish a transparency report regarding the Department's investigations and disciplinary process.
2. An organizational/cultural assessment is being conducted by the National Institute of Corrections due to be completed by 4/1/05.
3. A zero tolerance policy was distributed to all employees regarding the 'code of silence.'
4. The CDC Code of Ethics has been revised and distributed to indicate the duty of each employee to report misconduct and to cooperate with investigations.
5. The employee investigation and disciplinary processes are being developed to include an automated Case Management System and a statewide Employee Disciplinary Matrix.
 - o The Employee Disciplinary Matrix addresses all types of employee misconduct and specifically includes an employees' duty to report misconduct, the disciplinary action if misconduct is not reported, and the prohibition of retaliation against those who report misconduct.
 - o The Case Management System will enable the Office of Investigative Services and the Office of the Inspector General to perform real-time review and tracking of activities and timelines and will enable the identification and analysis of trends regarding investigative findings.
6. The investigation and disciplinary plan includes a vertical advocacy component in which Employment Law Unit attorneys will be assigned to the institutions to provide

counsel on the disciplinary process from the opening of an investigation through the State Personnel Board hearing.

7. A special message has been communicated (in person) from the Agency Secretary to the Wardens about the 'code of silence' and the future of CDC and the new Administration.
8. A special video message from the Agency Secretary to all Academy cadets regarding the code of conduct and the code of ethics has been prepared.
9. An ethics course is being prepared for training at all institutions with an emphasis on the 'code of silence.'
10. Employee duties and expectations, in this regard, are being published in all institutional training bulletins.

In addition, each Warden will develop an innovative program to ensure that local discussions occur regarding the Department's expectation of zero tolerance and to eliminate any 'code of silence.' The Wardens will focus on staff professionalism which will, in turn, improve public confidence. In addition to the Wardens providing regular updates to me on their progress, my Chief Deputy Directors and I will visit two prisons each per month in order to ensure that each Warden is effectively addressing the 'code of silence' and issues of staff professionalism.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

CUSTODY

10. How can you better coordinate with local public safety officials to have more information about inmate populations at the state and local levels? In your judgment, when does a CDC institution or the entire CDC system become too crowded?

Coordination/Information Exchange with Local Public Safety Officials

I am working with my staff to identify opportunities to improve communication, coordination and information exchange regarding inmate populations with local public safety officials. We are exploring more ways to network with these entities through forums such as high management level coordination meetings as well as electronic information exchange.

Currently, CDC provides local public safety officials with statistical information on inmates. County and Statewide reports are published by CDC on the Internet and are used by local law enforcement and the public. The Department also responds to individual ad hoc requests from public safety officials.

Our ability to make projections will be improved by enhanced coordination between the counties and the CDC. The problem we face is that local budget shortfalls, court calendars, sentencing trends and/or staffing shortages all impact the intake rate of inmates from the counties. We need to acquire access to information at the state and local level regarding any changes in sentencing practices, as well as other issues affecting bed capacities. This can be accomplished by establishing a method for meeting on a regular basis with the highest levels of local law enforcement (such as a county's district attorney, probation officer, sheriff and police chief) to discuss long-range issues impacting prison admissions and parole releases. Improved sharing of information regarding methods of projecting changes in population as well as specific technology and software usage, complimented by open communication with staff knowledgeable in custody operations will facilitate our ability to *anticipate* population fluctuations.

When Does a CDC Institution or the Entire CDC System Become Too Crowded

Overcrowding occurs when:

1. The size and level of the population and/or bed placement creates the possibility that our external security may be breached, or creates a situation that is dangerous for staff and inmates.

Custody, #10

2. We are compelled to house inmates in spaces not designated for housing and which are not designed to provide adequate supervision or sufficient basic utilities and services to inmates.
3. We do not have space to provide education/vocation programs, which could have a long-term effect on the safety of the outside community.
4. We lack space for recreational activities, which contributes to increased tensions creates idle time and removes healthy alternatives for pent up energy.

Overcrowding is a term defined not just by numbers but also by expectations. Various standards regarding the amount of living space required per inmate, the amount of exercise, services, work and education programs, or medical care, and how much money there is to meet legally mandated minimum standards all impact the maximum number of inmates who can be safely managed and serviced. Overcrowding generally is thought to occur as the inmate population in any given facility exceeds the physical design for sleeping areas, showering and toilets, utility services, recreation areas, work assignments, classrooms, medical and dental clinics, space for visiting, and to conduct various self-help groups or counseling and treatment activities for substance abuse treatment programs. From a correctional management perspective, overcrowding also occurs when space is not available to accommodate necessary movement within an institution when the unexpected happens. A riot, a stabbing, a medical problem, or some other unforeseen event may require the movement of inmates into other available beds within that prison, or at another prison in order to isolate the problem. Inmates must be housed in facilities capable of providing not only the appropriate level of custodial surveillance, but also the staff services and physical environment to accommodate and support treatment of medical, psychiatric, as well as other special needs.

Recognizing that the final determination of whether or not the department is overcrowded rests with how the courts and the legislature view the Department's mission, it remains that we are currently overcrowded and it does impact our ability to successfully perform our mission of ensuring public safety.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

CUSTODY

11. What strategies exist for gang intervention and violence control, including lockdowns, and what is your view of their effectiveness? How should we evaluate their effectiveness? And do you foresee any changes in these strategies?

CDC is actively involved in the coordinating and information sharing of gang information interdepartmentally with Paroles, Institutional Gang Investigators and LEIU. These units also share gang information and coordinate intelligence with a variety of other city, county, state, and federal agencies on a daily basis. CDC sponsors and actively participates in the California Gang Task Force, which is now a nationally recognized coalition of Law Enforcement Agencies dedicated to fighting gangs. This task force has been in operation for over twenty years and continues to expand and has contributed greatly to gang interdiction on all levels.

Segregation of opposing prison gangs has been an on going strategy in CDC to reduce gang activity and violence caused by the prison gangs. Our Gang Management Policy attempts to be proactive rather than reactive. As CDC is able to identify, document, and validate prison gang members and associates, our policy is to separate these individuals from the remainder of the inmate population, hence the indeterminate SHU confinement.

As younger and more violent inmates, already involved in street gangs, are received into CDC, the desire is for these inmates to submit to even further immersion into gang mentality and culture. CDC has recognized this fact and in order to reduce the violence caused by this type of inmate, the CDC has recently implemented the new Placement Score system. This system more accurately places inmates who have attached themselves to the gang culture, which studies, have shown is predicative of future misconduct in prison in the appropriate level institution.

CDC gang management strategy is to identify gang affiliated inmates/parolees, track them, monitor their conduct, take interdiction action and apply sanctions when they are found to be involved in illicit or unlawful gang or violent activity. Although CDC currently tracks, identifies, and monitors inmates involved in street gang activity prior to their commitment and while on active parole, should these inmates become involved in prison gang activity, CDC initiates the prison gang validation process. Once prison gang members are identified/validated, CDC provides inmates/parolees the opportunity to

modify their behavior by disassociating themselves from the prison gangs and prison gang activities, and making available to them programs consistent with their custody/supervision needs. In addition, inmates who have demonstrated modification of their behavior by not being involved in prison gang activity for a minimum of six years, is eligible to be reviewed for consideration of release from SHU to a general population setting.

A tool that is utilized by CDC for control of large scale violent/disruptive behavior is the institutional lockdown process. This process involves the identification of involved inmates, staff interviews, institutional searches, collection of intelligence in effort to allow management to safely return the institution of effected area back to a normal program in a timely manner. The CDC is re-doing its' lockdown policy by requiring institutions to routinely communicate with headquarters administration and by requiring headquarters staff to conduct on-site visits of institutions experiencing prolonged lockdowns.

As the validated prison gang members are identified and segregated from the general population, the influence that theses gang members carry and their contribution to inmate violence and inmate on staff violence is reduced. In addition as these known prison gang members are segregated, they vie for control of the illegal but lucrative drug trade, protection/extortion schemes which these gang members are also involved in are also reduced.

The debriefing and inactive process can also be considered successful in modifying inmate prison gang behavior. As inmates recognize the prison gang culture is not as beneficial as what they once believed it to be, they realize the only way to disassociate themselves from the prison gang is to cooperate with staff or demonstrate they are no longer active prison gang members.

CDC does not foresee any changes to the strategies identified above. However, CDC recognizes the need for a "Violence Control" type of general population program. Preparatory steps have been taken in the past to implement this type of program, however, due to budgetary restraints; CDC has not been able to implement this program. The "Violence Control" program would require that inmates involved in prison violence complete a multi-step program that would address the core causes relating to prison violence such a gangs and anger management. Inmates who do not complete all of the steps in the program would not be allowed to return to a traditional general population setting. This program would contain the identified inmates in specific institutions that provide the violence control program thereby allowing the inmates that do not involve themselves in violent behavior to continue to program in a traditional general population setting.

I will, as part of the development of our institutional program strategy, expected to be completed by September 2004, identify a program to be implemented in our general populations to address those inmates who choose not to program in an appropriate and

acceptable manner. This will include a gang reduction strategy utilizing best practices that have proven effective and fiscally responsible.

In order to reduce the violence in CDC, we must address the core causes of prison violence such as gangs and drugs. There is a strong correlation between drugs, gangs and violence in prison. As prison gangs fight for control of the drug trade there is an increase in prison violence i.e. inmate assaults, homicides and riots. If we control the drugs by utilizing and implementing the components of the Drug Reduction Strategy (DRS), this will have an impact on the reduction of violence within CDC, as there is a definitive nexus between drugs, gang activity and violence.

In 1996, the CDC developed the DRS. The DRS included a pilot project to test the effectiveness of the strategy's drug interdiction procedures. A comprehensive research and evaluation was conducted to determine the relative effectiveness of the interdiction procedures in reducing drug use and drug-related incidents and to assist in the statewide implementation of the DRS. The final evaluation of the DRS Pilot Project was utilized as a model for statewide implementation; however, due to budgetary constraints the components of the DRS, which required expenditure of funds, could not be fully implemented. It is recommended that CDC implement the comprehensive drug intervention strategies, policies and procedures proposed by the DRS Pilot Project evaluation conducted by the University of California at Los Angeles, Drug Abuse Research Center. These strategies include; regional canine units, purchase of electronic drug detection equipment and dedicated staff to operate, upgrade institutional visiting camera systems and dedicate staff to monitor, utilize an intelligence gathering database and implement a drug information tip line.

Once the DRS is fully implemented the method of evaluation would consist of tracking and reviewing violent and gang activity for any changes (reductions) via a reduction in Rules Violations Reports, staff assaults, inmate on inmate assaults, contraband discoveries etc, relating to gang activity. CDC could also evaluate the effectiveness of the debriefing/inactive process by the number of prison gang members participating in the processes.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

CUSTODY

12. The Senate Rules Committee has received complaints from inmates and their families that the existing grievance procedure (602 form) is ineffective and fallacious. For example, inmates will receive notification of their initial appeal decision long after the "next-level" appeal opportunity has expired, thus denying them an appropriate "due process." Further, the existing 602 system has no mechanism to validate, monitor or track inmate grievances. Please comment and indicate how this system can be improved.

As a Warden, I understood the importance of the inmate appeals process, and also the ability of that process to provide valuable information in managing an institution. Now as Director, my commitment to a successful inmate appeals process continues. I acknowledge that the Department's appeal process from the first level to the third level needs to be reevaluated for improvements. I am considering improvements, including organizational changes, that will heighten the level of Directorate review that the appeals function deserves.

Inmate Appeals has very recently upgraded technology and implemented processes to improve the management of inmate appeals. Specifically, Institutions were provided training and a new Inmate Appeals Tracking System (IATS) to better manage their Level I & II appeals, i.e., flagging special needs inmates to ensure proper handling of the appeal, automatic rather than manual abeyance of an appeal, ability to retain notes accompanying an appeal, etc. The updated IATS will also provide the Institution's management with additional reporting capabilities.

At the Director's level, Appeal Examiners are now accountable for one of eight zones/regions encompassing three to five institutions and are responsible for bi-weekly visits, audits, training, and case management of the appeals in their respective zones. This provides an opportunity for the Appeals Examiner to develop familiarity with issues specific to the institutions within their respective zones. Also at the Director's Level, communication processes have been streamlined to provide the Directorate and Cabinet with inmate appeal information that can be an indicator of an institutional practice that needs correcting or systemic problem that may require a departmentwide resolution.

The Committee has raised two concerns relative to the appeal process; specifically, inmates missing opportunities to file their appeal due to internal delays and an inadequate appeal tracking system. In general, at all levels, when an inmate can demonstrate a reasonable basis for his/her delay in submitting an appeal within the prescribed time constraints, the appeal is accepted for processing. However, when an inmate submits an appeal late without mitigating factors, the

time constraints prescribed in Title 15 are applied, and the appeal is screened-out. This is consistent with the opinion of the Office of the Attorney General. With respect to the second concern relative to the Department's mechanism to track inmate appeals, a system has been in place for at least 15 years, to assign, track and monitor inmate appeals by location, complaint type, date received, date closed, and completion of a modification order that was generated to correct the action appealed by the inmate.

I have directed the Deputy Director, Policy and Evaluation Division, over the next six months, to review the trends of appeals that have been screened out to identify the reasons they were screened. This process will allow us to understand the problem and identify solutions.

My emphasis will be to provide a comprehensive approach to the review and response to inmate appeals and to improve mechanisms to gather and evaluate trends, anomalies, and critical correctional indicators that can be used to better manage the Department's inmate and parolee population.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

CUSTODY

13. The Legislature has considered legislation to restore overnight family visits for female inmates who do not yet have a release date set by the Board of Prison Terms. Please share your views on the current regulations which categorically deny such visits to inmates who are serving a life term with the possibility of parole who do not have a release date set by the Board of Prison Terms.

I realize this is a subject of interest to many in the Legislature. Below is a brief history of our regulations and our rationale for the current policy.

In 1996, changes to the CCR, Title 15, Article 7. Visiting, Section 3174, Family Visiting was implemented which restricted family visits for inmates in certain categories. Included in these categories were any inmates sentenced to life without the possibility of parole; sentenced to life, without a parole date established by the Board of Prison Terms (BPT); designated Close A or Close B Custody; and condemned inmates.

These restrictions were implemented for inmates with no set parole date and those inmates whose case factors indicate that their participation in the family visiting program would be incompatible with public safety and who would be considered escape and security risks.

CCR Section 3377.1 requires that inmates assigned to Maximum, Close A, and Close B custody designations shall have "direct and constant" supervision: such supervision is incompatible with unsupervised family visiting. The adopted regulations in part, codified the existing policy that inmates in the highest custody levels are ineligible for family visiting.

Currently, once the BPT establishes a parole date for an inmate serving a life term and their Custody designation is reduced, provided there are no other exclusionary criteria, the inmate is eligible to participate in family visiting. Although the process for preparing the inmate for reintegration into society is an ongoing process, this issue becomes more relevant once the BPT establishes a parole date. Therefore, the benefits of the family visiting program and the need to further establish family ties become important for the inmate's successful integration to society.

It is my position that any changes to the family visiting program to allow additional family visiting privileges should be equally applied to both female and male inmates as both genders have equal needs to maintain family structures; however at the present time, I do not believe there are compelling reasons to change our policies. There is always a concern that gender neutral laws, as they relate to the prison setting, may indiscriminately or unfairly target women. I believe that it is important when we are creating or revising regulations to keep this in the forefront of our thoughts. The visiting regulations were recently revised. No changes were made to the family overnight visiting section. Had the Department decided to make a change with regard to women only it would have likely been challenged in court as being discriminatory toward male inmates who are similarly situated.

I have great concern for the children of offenders. I am not convinced that our current family visiting program is healthy for children. This is an area that requires more research to ensure that we have responsible public policy that ensures for the safety and health of not only our inmates but their children as well.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

CUSTODY

14. What has been the impact of reducing visiting from four days to two days at most institutions?

There is no question that the reduced visiting days have impacted visitors at our institutions. As illustrated in the attached charts providing data on visiting terminations, the institutions with high visiting volume have been impacted the most. In addition, waiting times for visits have increased. I am hopeful that we can improve our process, facilitate visitors better, and eventually restore as many additional days for visiting as possible.

Is there an estimate by institution of the number of visits that were terminated early to accommodate more visitors?

- For the month of February there were a total of **1144** visiting terminations due to overcrowding.
- For the month of March there were a total of **4935** visiting terminations due to overcrowding.
- For the month of April there were a total of **3376** visiting terminations due to overcrowding.

Please note that the aforementioned visitor termination statistics do not reflect the number of visitors who arrive at an institution and begin processing for visiting, but are subsequently denied visiting (turned away) due to the overcrowding situation. The institutions have been recently instructed to begin compiling these numbers. In addition, the statistics do not reflect visiting statistics for inmates housed in Administrative Segregation as visits for these inmates are pre scheduled.

Rules Committee hears complaints of long waits for processing and arbitrary decisions on appropriateness of visitor's clothing. How can visiting practices and processes be improved?

There have been instances where long waits for processing has occurred. The Department has requested (via the Inmate Family Council and discussions with the Wardens at the May Wardens' meeting) that each local IFC work with the individual Institution's Administration to properly address and come up with remedies/solutions for the problems

they foresee with the reduction in visiting, i.e., processing efficiencies, waiting time reductions, parking issues, etc.

The CCR Section 3174 and DOM Section 54020.20 outline CDC's visitor dress codes. These policies have standardized visitor's dress and each institution should be following these policies. Of course every dress item cannot be addressed; therefore, some judgment is necessary. The institutions Operating Procedures (OP's) should not be more restrictive than established CDC policy.

To ensure institutions are enforcing rules in accordance with CDC policy, I have directed the CDC Ombudsman to assess weekend visiting programs. The purpose of the assessment is to also identify ways to improve visitors' access to the visiting program.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

CUSTODY

15. Does the department have an institutional smoking policy and what changes, if any, are anticipated?

The Department does not have a system-wide policy with regard to the use of tobacco products, except the policy that is in place for all state buildings. That policy has been adapted for the Department and is contained in the CCR, Title 15, Crime Prevention and Corrections, Article 8, Tobacco, Section 3188 and Section 3189. The policy which is in compliance with Executive Order W-180-98, states:

- No person shall smoke within 20 feet of any entrance/exit to, nor within the interior of, any building or the security perimeter of any facility.
- No inmate shall possess tobacco products at any reception center, the California Rehabilitation Center, or in any institution/facility which has voluntarily become tobacco product free, except that the use of tobacco products may be approved in inmate religious ceremonies.

All Reception Centers and the California Rehabilitation Center are tobacco free. In addition, the following six institutions have voluntarily become tobacco product free: Wasco State Prison, Pelican Bay State Prison, California Men's Colony, California Medical Facility, California State Prison, Sacramento, and Deuel Vocational Institution.

The CDC is currently reviewing an internal proposal, which would ban tobacco products in all institutions/facilities for inmates and staff.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PROGRAM

1. Please provide the following data by institution and summarized for all institutions:

Number and types of educational programs, and the number and capacity of participants. Also indicate participants by race.

Academic Education Programs:

Based on January 2004 data, there were over 500 academic education programs consisting of the following:

Adult Basic Education (Math, Reading/ Language and Listening/Speaking)); **Life Skills Development** (Vocational Preparation Program, **Re-Entry**, Healthy Living, Fitness for Life, Small Business/Light Industry Education, Physical Fitness Training, Recreation and Physical Education, Substance Abuse: A process of Change, Conflict/Anger: Lifelong management); **General Education Development** (GED); **High School Diploma Program** (World History, United States History, United States Government, Economics, World Geography,, General Science Earth Science, Physical Science, Physiology, English composition, English Rhetoric, English Literature: Fiction and Non-Fiction, Elementary Algebra, Geometry, Driver Education, Health, Fine Arts, Psychology, Sociology, Business Education

Supplementary Federal Programs include Elementary and Secondary School Act (ESEA), Incarcerated Youth Offenders (IYO) Program, Vocational and Technical Education Act (VTEA) and Workforce Investment Act (WIA)

Special Programs: Sacramento Skills Center Re-Entry Program; Computer Refurbishing Program; GED Connection; Correctional Learning Network;

Court Remedial Plan Programs: Developmental Disabilities Program and Disability Placement Program (sight impaired/hearing impaired).

Capacity of Traditional Academic Programs: 12,500 students (based on 27:1 student to teacher ratio) (Student quota reported on Education Monthly report)

Number of Participants in Traditional Academic Programs: 11, 500 inmates are enrolled in traditional academic programs.

Bridging Education Program:

Based on January 2004 data, there were 11 Reception Center Bridging Education Programs and 32 General Population Programs consisting of the following:

Re-Entry Life Skills

Literacy

Arts in Corrections

Capacity of Bridging Education Program: 24,128 students (Based on 54:1 student to teacher ratio) (Based on available teacher/instructor positions, not actual current enrollment/participation)

Number of Participants in the Bridging Education Programs (BEP): 18,188 inmates are enrolled in BEP. (RC 12,500; GP 5,688)

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PROGRAM

2. Please provide the following data by institution and summarize for all institutions:

Number and types of vocational programs, and number capacity of participants. Also indicate participants by race.

Vocational Programs

Based on January 2004 data, there were *330 Vocational Programs. The offerings include 12 trade divisions and 32 instructional course offerings including Business Occupations, Construction Industry Trades, Electronic Service Occupations, Metal Trade Occupations, Print/Graphics Occupations, Horticulture Occupations and Vehicular Repair.

Note: *See attached vocational programs table

Capacity of Traditional Vocational Programs: 8,711 students (Based on 27:1 student to teacher ratio) (Student quota reported on Education Monthly report)

Number of Participants in Traditional Vocational Programs: 8, 416 inmates are enrolled in traditional vocational programs.

VOCAATION		OGRAMS		INSTITUTIONS Shaded institutions have no remaining vocation																											ams. Classification Titles indicate number of staff hired for each at institution																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
CLASSIFICATION TITLE (program)	CLASS CODE	A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PROGRAM

3. Please provide the following data by institution and summarize for all institutions:

Number and types of work programs, and number and capacity of participants. Please show PIA versus CDC jobs. Also indicate participants by race.

Please refer to #4 (next page) for statistical reports obtained from Offender Based Information Services, which details inmate assigned to jobs by race, institution, and specific Inmate Work Incentive Training Program codes.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PROGRAM

4. Identify the number and type of substance abuse treatment programs, their length of treatment, and capacity.

Treatment Modality:

California Department of Corrections (CDC) preferred model of drug treatment delivery is the Therapeutic Community (TC). The TC program model is designed to create an extended intense exposure to a continuum of services during incarceration. Inmates may volunteer for treatment within one of the Department's programs to get assistance reclaiming their lives destroyed through a continuous cycle of substance abuse and crime. Participation in the in-prison programs is also mandatory for those inmates meeting the established criteria, as defined in the California Code of Regulations, Title 15, Section 3040.1, and who have been assigned to the program.

The TCs are facilitated by outside contractors who specialize in substance abuse treatment and recovery programs. Participants in the program receive comprehensive social, cognitive, behavioral counseling, intensive seminars on health-related issues, and relapse prevention. Life skills training and techniques designed to enhance moral reasoning are also part of the program. The participants receive education on the importance of primary health care, parenting, and the need to take care of themselves. The fundamental concept of the program model is continuing care in the community once released from prison. Every attempt is made to place participants in the community-based treatment and recovery services upon parole.

Participants receive a minimum of twenty hours per week of face-to-face individual and group activity; an additional six hours per week of optional individual and group activity which may include participation in self-help programming (e.g., Alcoholics Anonymous, and Narcotics Anonymous); activities scheduled so that they are available to each participant for at least six days per week; didactic groups, seminars, and community meetings organized to provide habilitative and rehabilitative services, substance abuse education, and social and recreational activities; and experiential groups which actively engage participants in confronting the individual values and behaviors contributing to their substance abuse and criminality.

Number of Slots, Length and Type of Program

The CDC has the nation's largest substance abuse treatment initiative, with over 8,500 beds on-line. The linchpin of the correctional substance abuse treatment initiative is the in-prison Substance Abuse Treatment Program (SAP). Effective July 1, 2004, we will be authorized to bring on line 500 more SAP beds, bringing our total to approximately 9,000 beds. The SAP ranges from six to twenty-four months, with an average stay of nine months. The SAPs are located in 19 different institutions. (see attached chart for locations and program population at each location)

In addition, the Department operates five community based substance abuse programs for female inmates and their children under the age of six. There are three Community Prisoner Mother Programs (CPMP) and two Family Foundations Programs (FFP). The FFP is alternative sentencing program for low-level offenders with substance abuse problems. The length of stay is a mandatory one year in duration for FFP; CPMP inmates are referred from the institutions and may stay for the remainder of their sentence. The inmates receive substance abuse treatment through a TC model, daily living skills development (including responsibility and independence), child care/parenting, health care, and a referral to aftercare. There are inmate work assignments, and education/vocational training. Also, an individual treatment/development plan is designed for each child. The schedules are rigorous and structured, with many opportunities for the mothers to practice the parenting skills they are learning. CPMP has 70 beds statewide, as does FFP.

Upon parole, and contingent upon space, program graduates continue treatment in residential or non-residential community aftercare treatment programs. This aftercare treatment program content is similar to the in-prison program; however, the emphasis of the parolee programs is the use of treatment as a critical public safety tool, providing inmates with skills necessary to succeed on parole and not re-offend.

The Department currently has four parolee services networks, four regional substance abuse services coordination agencies, and five Female Offender Treatment and Employment Programs (FOTEP). CDC also has as part of its substance abuse treatment arsenal 12-step recovery programs for parolees.

- FOTEP is a Therapeutic Community model where females live and program with their children under the ages of 12. Females enrolled in FOTEP may stay 15 months. FOTEP serves 986 female offenders annually. Services provided include, but are not limited to, drug and alcohol abuse treatment, cognitive skills development, education, life skills, job skills, anger management, family reunification, counseling, vocational training and support, placement in affordable housing, and employment opportunities. The program provides ancillary services, such as childcare and reimbursement of transportation costs, to the extent necessary to permit full participation of the female parolees in employment assistance, substance abuse treatment, and other program elements. FOTEP also includes a comprehensive case management component

to assess the social services and other needs of participants in the social services, education, job training, and other programs most likely to result in recovery and employment success.

- The other parolee programs provide a variety of program options, from residential and sober living to outpatient.

California is on the cutting edge of substance abuse programming development for its correctional population. Newer programs include the Transitional Treatment Program (TTP), the Enhanced Substance Abuse Treatment Control Unit (ESATCU) and the Drug Treatment Furlough (DTF) programs.

- The TTP is a 203 bed, 120 day, four-month, specialized substance abuse treatment program that focuses on preparing the inmate/participant for community re-entry and aftercare placement. The program is established within the Folsom Transitional Treatment Facility.
- The ESATCU is a 200-bed program, which provides comprehensive 90-day out of prison treatment services to drug offending parolees in lieu of revocation and return to prison. Upon completion of the program, the parolees are encouraged and eligible to participate in an aftercare program as provided through OSAP's Substance Abuse Services Coordination Agency.
- The DTF is an accelerated treatment program designed to allow up to 1,500 nonviolent, non-serious SAP inmates to be placed in community aftercare residential treatment facilities residential aftercare treatment 120 days prior to parole. This program allows inmates to continue treatment in a community setting and generates savings to the state of California resulting from inmates leaving prison 120 days prior to their parole date.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=A,D: ACADEMIC

The FREQ Procedure

Table 2 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency Row Pct		OTHER	BLACK	HISPANIC	WHITE	
AVENAL STATE PRISON	55 4.65	218 18.44	697 58.97	212 17.94		1182
CALIFORNIA CORRECTIONAL CENTER	30 5.19	139 24.05	192 33.22	217 37.54		578
CALIFORNIA CORRECTIONAL INSTIT	30 4.57	192 29.27	351 53.51	83 12.65		656
CALIFORNIA INSTITUTION FOR MEN	12 5.11	71 30.21	93 39.57	59 25.11		235
CALIFORNIA MEDICAL FACILITY	19 7.01	97 35.79	89 32.84	66 24.35		271
CALIFORNIA MEN'S COLONY	61 7.14	192 22.48	482 56.44	119 13.93		854
CALIFORNIA REHABILITATION CENT	24 5.36	100 22.32	249 55.58	75 16.74		448
CALIFORNIA STATE PRISON, CALIP	16 4.98	127 39.56	156 48.60	22 6.85		321
CALIFORNIA STATE PRISON, CENTI	40 6.31	147 23.19	398 62.78	49 7.73		634
CALIFORNIA STATE PRISON, CORCO	5 3.23	90 48.39	66 35.48	24 12.90		186
CALIFORNIA STATE PRISON, LOS A	37 6.84	125 23.11	265 48.98	114 21.07		541
CALIFORNIA STATE PRISON, SACRA	23 6.65	130 37.57	108 31.21	85 24.57		346
CALIFORNIA STATE PRISON, SAN Q	19 8.76	85 39.17	66 30.41	47 21.66		217
CALIFORNIA STATE PRISON, SOLAN	86 8.70	249 25.20	446 45.14	207 20.95		988
CAL SUBSTAN ABUSE TREAT FAC AN	67 6.92	144 14.88	550 56.82	207 21.38		968
CHUCKAWALLA VALLEY STATE PRISO	23 4.44	92 17.76	321 61.97	82 15.83		518
Total (Continued)	932	3591	6874	2808		14205

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
 IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
 AS OF APRIL 30, 2004

IWTIP2=A,D: ACADEMIC

The FREQ Procedure

Table 2 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CORRECTIONAL TRA INING FACILITY	64 6.22	239 23.23	556 54.03	170 16.52	1029
DEUEL VOCATIONAL INSTITUTION	0 .	0 .	0 .	0 .	0
FOLSOM STATE PRI SON	41 10.79	108 28.42	172 45.26	59 15.53	380
HIGH DESERT STAT E PRISON	43 9.09	152 32.14	184 38.90	94 19.87	473
IRONWOOD STATE P RISON	26 7.45	77 22.06	210 60.17	36 10.32	349
MULE CREEK STATE PRISON	52 10.92	76 15.97	228 47.90	120 25.21	476
NORTH KERN STATE PRISON	5 5.43	29 31.52	41 44.57	17 18.48	92
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STAT E PRISON	11 6.32	61 35.06	64 36.78	38 21.84	174
PLEASANT VALLEY STATE PRISON	57 9.08	140 22.29	331 52.71	100 15.92	628
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOV AN CORR FAC AT	9 3.38	126 47.37	71 26.69	60 22.56	266
SALINAS VAL STAT E PRISON	21 5.20	144 35.64	170 42.08	69 17.08	404
SANTA RITA CO. J AIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER	46 5.65	211 25.92	236 28.99	321 39.43	814
WASCO STATE PRIS ON	9 5.08	30 16.95	82 46.33	56 31.64	177
Total	932	3591	6874	2808	14205

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=C: CAMP

The FREQ Procedure

Table 3 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
AVENAL STATE PRISON	0 .	0 .	0 .	0 .	0
CALIFORNIA CORRECTIONAL CENTER	58 3.16	501 27.33	525 28.64	749 40.86	1833
CALIFORNIA CORRECTIONAL INSTIT	0 .	0 .	0 .	0 .	0
CALIFORNIA INSTITUTION FOR MEN	0 0.00	0 0.00	1 25.00	3 75.00	4
CALIFORNIA MEDICAL FACILITY	0 .	0 .	0 .	0 .	0
CALIFORNIA MEN'S COLONY	2 2.33	31 36.05	27 31.40	26 30.23	86
CALIFORNIA REHABILITATION CENT	3 4.92	14 22.95	26 42.62	18 29.51	61
CALIFORNIA STATE PRISON, CALIP	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, CENTI	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, CORCO	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, LOS A	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, SACRA	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, SAN Q	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, SOLAN	0 .	0 .	0 .	0 .	0
CAL SUBSTAN ABUSE TREAT FAC AN	0 .	0 .	0 .	0 .	0
CHUCKAWALLA VALLEY STATE PRISO	0 .	0 .	0 .	0 .	0
Total	145	1088	1094	1476	3803

(Continued)

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=C: CAMP

The FREQ Procedure

Table 3 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CORRECTIONAL TRA INING FACILITY	0 .	0 .	0 .	0 .	0
DEUEL VOCATIONAL INSTITUTION	0 .	0 .	0 .	0 .	0
FOLSOM STATE PRI SON	0 .	0 .	0 .	0 .	0
HIGH DESERT STAT E PRISON	0 .	0 .	0 .	0 .	0
IRONWOOD STATE P RISON	0 .	0 .	0 .	0 .	0
MULE CREEK STATE PRISON	0 .	0 .	0 .	0 .	0
NORTH KERN STATE PRISON	0 .	0 .	0 .	0 .	0
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STAT E PRISON	0 .	0 .	0 .	0 .	0
PLEASANT VALLEY STATE PRISON	0 .	0 .	0 .	0 .	0
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOV AN CORR FAC AT	0 .	0 .	0 .	0 .	0
SALINAS VAL STAT E PRISON	0 .	0 .	0 .	0 .	0
SANTA RITA CO. J AIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER	82 4.51	542 29.80	515 28.31	680 37.38	1819
WASCO STATE PRIS ON	0 .	0 .	0 .	0 .	0
Total	145	1088	1094	1476	3803

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=F: FORESTRY TRAINING

The FREQ Procedure

Table 4 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
AVENAL STATE PRISON	0 .	0 .	0 .	0 .	0
CALIFORNIA CORRECTIONAL CENTER	12 10.26	26 22.22	23 19.66	56 47.86	117
CALIFORNIA CORRECTIONAL INSTIT	0 .	0 .	0 .	0 .	0
CALIFORNIA INSTITUTION FOR MEN	0 .	0 .	0 .	0 .	0
CALIFORNIA MEDICAL FACILITY	0 .	0 .	0 .	0 .	0
CALIFORNIA MEN'S COLONY	1 3.45	9 31.03	10 34.48	9 31.03	29
CALIFORNIA REHABILITATION CENT	0 0.00	1 20.00	0 0.00	4 80.00	5
CALIFORNIA STATE PRISON, CALIP	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, CENTI	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, CORCO	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, LOS A	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, SACRA	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, SAN Q	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, SOLAN	0 .	0 .	0 .	0 .	0
CAL SUBSTAN ABUSE TREAT FAC AN	0 .	0 .	0 .	0 .	0
CHUCKAWALLA VALLEY STATE PRISO	0 .	0 .	0 .	0 .	0
Total (Continued)	24	60	58	103	245

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=F: FORESTRY TRAINING

The FREQ Procedure

Table 4 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CORRECTIONAL TRA INING FACILITY	0 .	0 .	0 .	0 .	0
DEUEL VOCATIONAL INSTITUTION	0 .	0 .	0 .	0 .	0
FOLSOM STATE PRI SON	0 .	0 .	0 .	0 .	0
HIGH DESERT STAT E PRISON	0 .	0 .	0 .	0 .	0
IRONWOOD STATE P RISON	0 .	0 .	0 .	0 .	0
MULE CREEK STATE PRISON	0 .	0 .	0 .	0 .	0
NORTH KERN STATE PRISON	0 .	0 .	0 .	0 .	0
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STAT E PRISON	0 .	0 .	0 .	0 .	0
PLEASANT VALLEY STATE PRISON	0 .	0 .	0 .	0 .	0
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOV AN CORR FAC AT	0 .	0 .	0 .	0 .	0
SALINAS VAL STAT E PRISON	0 .	0 .	0 .	0 .	0
SANTA RITA CO. J AIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER	11 11.70	24 25.53	25 26.60	34 36.17	94
WASCO STATE PRIS ON	0 .	0 .	0 .	0 .	0
Total	24	60	58	103	245

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=I: PIA

The FREQ Procedure

Table 5 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
AVENAL STATE PRISON	31 5.57	175 31.42	197 35.37	154 27.65	557
CALIFORNIA CORRECTIONAL CENTER	0 .	0 .	0 .	0 .	0
CALIFORNIA CORRECTIONAL INSTIT	20 4.80	141 33.81	177 42.45	79 18.94	417
CALIFORNIA INSTITUTION FOR MEN	5 2.84	69 39.20	55 31.25	47 26.70	176
CALIFORNIA MEDICAL FACILITY	0 .	0 .	0 .	0 .	0
CALIFORNIA MEN'S COLONY	38 6.08	208 33.28	169 27.04	210 33.60	625
CALIFORNIA REHABILITATION CENT	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, CALIP	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, CENTI	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, CORCO	15 4.85	106 34.30	86 27.83	102 33.01	309
CALIFORNIA STATE PRISON, LOS A	1 1.79	19 33.93	21 37.50	15 26.79	56
CALIFORNIA STATE PRISON, SACRA	5 6.02	39 46.99	14 16.87	25 30.12	83
CALIFORNIA STATE PRISON, SAN Q	13 5.26	105 42.51	29 11.74	100 40.49	247
CALIFORNIA STATE PRISON, SOLAN	54 12.19	166 37.47	60 13.54	163 36.79	443
CAL SUBSTAN ABUSE TREAT FAC AN	1 5.26	3 15.79	5 26.32	10 52.63	19
CHUCKAWALLA VALLEY STATE PRISO	8 7.27	32 29.09	53 48.18	17 15.45	110
Total (Continued)	349	1742	1409	1612	5112

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
 IN IWTP CATEGORIES, ETHNICITY, AND LOCATION
 AS OF APRIL 30, 2004

IWTIP2=I: PIA

The FREQ Procedure

Table 5 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CORRECTIONAL TRAINING FACILITY	43 8.33	163 31.59	170 32.95	140 27.13	516
DEUEL VOCATIONAL INSTITUTION	13 7.51	49 28.32	31 17.92	80 46.24	173
FOLSOM STATE PRISON	31 7.81	138 34.76	86 21.66	142 35.77	397
HIGH DESERT STATE PRISON	0 .	0 .	0 .	0 .	0
IRONWOOD STATE PRISON	0 .	0 .	0 .	0 .	0
MULE CREEK STATE PRISON	23 7.12	75 23.22	85 26.32	140 43.34	323
NORTH KERN STATE PRISON	0 .	0 .	0 .	0 .	0
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STATE PRISON	5 6.10	39 47.56	14 17.07	24 29.27	82
PLEASANT VALLEY STATE PRISON	0 .	0 .	0 .	0 .	0
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOVAN CORR FAC AT	25 6.85	146 40.00	105 28.77	89 24.38	365
SALINAS VAL STATE PRISON	1 2.08	18 37.50	14 29.17	15 31.25	48
SANTA RITA CO. JAIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVATION CENTER	16 14.68	33 30.28	20 18.35	40 36.70	109
WASCO STATE PRISON	1 1.75	18 31.58	18 31.58	20 35.09	57
Total	349	1742	1409	1612	5112

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=J: JOINT VENTURE

The FREQ Procedure

Table 6 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency	Row Pct	OTHER	BLACK	HISPANIC	WHITE	
AVENAL STATE PRISON		0	0	0	0	0
CALIFORNIA CORRECTIONAL CENTER		0	1	1	2	4
		0.00	25.00	25.00	50.00	
CALIFORNIA CORRECTIONAL INSTITUT		0	0	0	0	0
CALIFORNIA INSTITUTION FOR MEN		0	0	0	0	0
CALIFORNIA MEDICAL FACILITY		0	0	0	0	0
CALIFORNIA MEN'S COLONY		0	0	0	0	0
CALIFORNIA REHABILITATION CENT		0	0	0	0	0
CALIFORNIA STATE PRISON, CALIP		2	5	19	7	33
		6.06	15.15	57.58	21.21	
CALIFORNIA STATE PRISON, CENTI		0	0	0	0	0
CALIFORNIA STATE PRISON, CORCO		0	0	0	0	0
CALIFORNIA STATE PRISON, LOS A		0	0	0	0	0
CALIFORNIA STATE PRISON, SACRA		0	0	0	0	0
CALIFORNIA STATE PRISON, SAN Q		0	20	1	7	28
		0.00	71.43	3.57	25.00	
CALIFORNIA STATE PRISON, SOLAN		0	0	0	0	0
CAL SUBSTAN ABUSE TREAT FAC AN		0	0	0	0	0
CHUCKAWALLA VALLEY STATE PRISO		0	0	0	0	0
Total		2	29	25	28	84
(Continued)						

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=J: JOINT VENTURE

The FREQ Procedure

Table 6 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CORRECTIONAL TRAINING FACILITY	0 .	0 .	0 .	0 .	0
DEUEL VOCATIONAL INSTITUTION	0 .	0 .	0 .	0 .	0
FOLSOM STATE PRISON	0 .	0 .	0 .	0 .	0
HIGH DESERT STATE PRISON	0 .	0 .	0 .	0 .	0
IRONWOOD STATE PRISON	0 .	0 .	0 .	0 .	0
MULE CREEK STATE PRISON	0 .	0 .	0 .	0 .	0
NORTH KERN STATE PRISON	0 .	0 .	0 .	0 .	0
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STATE PRISON	0 .	0 .	0 .	0 .	0
PLEASANT VALLEY STATE PRISON	0 .	0 .	0 .	0 .	0
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOVAN CORR FAC AT	0 0.00	3 15.79	4 21.05	12 63.16	19
SALINAS VAL STATE PRISON	0 .	0 .	0 .	0 .	0
SANTA RITA CO. JAIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVATION CENTER	0 .	0 .	0 .	0 .	0
WASCO STATE PRISON	0 .	0 .	0 .	0 .	0
Total	2	29	25	28	84

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
 IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
 AS OF APRIL 30, 2004

IWTIP2=M: COMMUNITY CREW

The FREQ Procedure

Table 7 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency	Row Pct	OTHER	BLACK	HISPANIC	WHITE	
AVENAL STATE PRISON	1 7.69	2 15.38	6 46.15	4 30.77		13
CALIFORNIA CORRECTIONAL CENTER	0 .	0 .	0 .	0 .		0
CALIFORNIA CORRECTIONAL INSTIT	1 12.50	3 37.50	0 0.00	4 50.00		8
CALIFORNIA INSTITUTION FOR MEN	0 .	0 .	0 .	0 .		0
CALIFORNIA MEDICAL FACILITY	0 0.00	10 35.71	6 21.43	12 42.86		28
CALIFORNIA MEN'S COLONY	1 3.33	10 33.33	12 40.00	7 23.33		30
CALIFORNIA REHABILITATION CENT	0 .	0 .	0 .	0 .		0
CALIFORNIA STATE PRISON, CALIP	0 .	0 .	0 .	0 .		0
CALIFORNIA STATE PRISON, CENTI	0 .	0 .	0 .	0 .		0
CALIFORNIA STATE PRISON, CORCO	1 33.33	0 0.00	1 33.33	1 33.33		3
CALIFORNIA STATE PRISON, LOS A	0 0.00	15 42.86	10 28.57	10 28.57		35
CALIFORNIA STATE PRISON, SACRA	0 .	0 .	0 .	0 .		0
CALIFORNIA STATE PRISON, SAN Q	3 6.52	17 36.96	5 10.87	21 45.65		46
CALIFORNIA STATE PRISON, SOLAN	0 .	0 .	0 .	0 .		0
CAL SUBSTAN ABUSE TREAT FAC AN	0 .	0 .	0 .	0 .		0
CHUCKAWALLA VALLEY STATE PRISO	0 0.00	2 20.00	2 20.00	6 60.00		10
Total	7	75	57	92		231
(Continued)						

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=M: COMMUNITY CREW

The FREQ Procedure

Table 7 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CORRECTIONAL TRAINING FACILITY	0 0.00	3 30.00	4 40.00	3 30.00	10
DEUEL VOCATIONAL INSTITUTION	0 0.00	2 100.00	0 0.00	0 0.00	2
FOLSOM STATE PRISON	0 .	0 .	0 .	0 .	0
HIGH DESERT STATE PRISON	0 .	0 .	0 .	0 .	0
IRONWOOD STATE PRISON	0 .	0 .	0 .	0 .	0
MULE CREEK STATE PRISON	0 .	0 .	0 .	0 .	0
NORTH KERN STATE PRISON	0 .	0 .	0 .	0 .	0
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STATE PRISON	0 .	0 .	0 .	0 .	0
PLEASANT VALLEY STATE PRISON	0 .	0 .	0 .	0 .	0
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOVAN CORR FAC AT	0 0.00	9 22.50	11 27.50	20 50.00	40
SALINAS VAL STATE PRISON	0 .	0 .	0 .	0 .	0
SANTA RITA CO. JAIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVATION CENTER	0 0.00	2 33.33	0 0.00	4 66.67	6
WASCO STATE PRISON	0 .	0 .	0 .	0 .	0
Total	7	75	57	92	231

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=P: PERM RC WORK CREW

The FREQ Procedure

Table 8 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency Row Pct		OTHER	BLACK	HISPANIC	WHITE	
AVENAL STATE PRISON		0	0	0	0	0
CALIFORNIA CORRECTIONAL CENTER		0	0	0	0	0
CALIFORNIA CORRECTIONAL INSTIT		0	0	0	0	0
CALIFORNIA INSTITUTION FOR MEN	21 9.68	84 38.71	58 26.73	54 24.88		217
CALIFORNIA MEDICAL FACILITY		0	0	0	0	0
CALIFORNIA MEN'S COLONY		0	0	0	0	0
CALIFORNIA REHABILITATION CENT		0	0	0	0	0
CALIFORNIA STATE PRISON, CALIP		0	0	0	0	0
CALIFORNIA STATE PRISON, CENTI		0	0	0	0	0
CALIFORNIA STATE PRISON, CORCO		0	0	0	0	0
CALIFORNIA STATE PRISON, LOS A		0	0	0	0	0
CALIFORNIA STATE PRISON, SACRA		0	0	0	0	0
CALIFORNIA STATE PRISON, SAN Q	5 22.73	12 54.55	0 0.00	5 22.73		22
CALIFORNIA STATE PRISON, SOLAN	0 0.00	1 100.00	0 0.00	0 0.00		1
CAL SUBSTAN ABUSE TREAT FAC AN		0	0	0	0	0
CHUCKAWALLA VALLEY STATE PRISO		0	0	0	0	0
Total (Continued)		29	115	67	77	288

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
 IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
 AS OF APRIL 30, 2004

IWTIP2=P: PERM RC WORK CREW

The FREQ Procedure

Table 8 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CORRECTIONAL TRAINING FACILITY	0 .	0 .	0 .	0 .	0
DEUEL VOCATIONAL INSTITUTION	0 0.00	0 0.00	0 0.00	1 100.00	1
FOLSOM STATE PRISON	0 .	0 .	0 .	0 .	0
HIGH DESERT STATE PRISON	0 .	0 .	0 .	0 .	0
IRONWOOD STATE PRISON	0 .	0 .	0 .	0 .	0
MULE CREEK STATE PRISON	0 .	0 .	0 .	0 .	0
NORTH KERN STATE PRISON	0 .	0 .	0 .	0 .	0
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STATE PRISON	0 .	0 .	0 .	0 .	0
PLEASANT VALLEY STATE PRISON	0 .	0 .	0 .	0 .	0
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOVAN CORR FAC AT	3 6.38	18 38.30	9 19.15	17 36.17	47
SALINAS VAL STATE PRISON	0 .	0 .	0 .	0 .	0
SANTA RITA CO. JAIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVATION CENTER	0 .	0 .	0 .	0 .	0
WASCO STATE PRISON	0 .	0 .	0 .	0 .	0
Total	29	115	67	77	288

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=S,B,W: SUPPORT SERVICES

The FREQ Procedure

Table 9 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				
Frequency Row Pct		OTHER	BLACK	HISPANIC	WHITE	Total
AVENAL STATE PRISON	154 6.16	630 25.20	970 38.80	746 29.84		2500
CALIFORNIA CORRECTIONAL CENTER	107 6.70	440 27.55	439 27.49	611 38.26		1597
CALIFORNIA CORRECTIONAL INSTIT	72 5.17	500 35.89	489 35.10	332 23.83		1393
CALIFORNIA INSTITUTION FOR MEN	45 3.80	413 34.85	378 31.90	349 29.45		1185
CALIFORNIA MEDICAL FACILITY	84 7.89	390 36.65	209 19.64	381 35.81		1064
CALIFORNIA MEN'S COLONY	182 7.02	721 27.83	838 32.34	850 32.81		2591
CALIFORNIA REHABILITATION CENT	94 6.43	479 32.76	625 42.75	264 18.06		1462
CALIFORNIA STATE PRISON, CALIP	112 10.08	345 31.05	385 34.65	269 24.21		1111
CALIFORNIA STATE PRISON, CENTI	138 9.91	430 30.89	579 41.59	245 17.60		1392
CALIFORNIA STATE PRISON, CORCO	80 6.03	510 38.43	373 28.11	364 27.43		1327
CALIFORNIA STATE PRISON, LOS A	86 6.69	379 29.49	378 29.42	442 34.40		1285
CALIFORNIA STATE PRISON, SACRA	73 6.75	418 38.63	251 23.20	340 31.42		1082
CALIFORNIA STATE PRISON, SAN Q	94 11.63	295 36.51	122 15.10	297 36.76		808
CALIFORNIA STATE PRISON, SOLAN	190 11.36	627 37.50	298 17.82	557 33.31		1672
CAL SUBSTAN ABUSE TREAT FAC AN	107 5.40	439 22.15	761 38.40	675 34.06		1982
CHUCKAWALLA VALLEY STATE PRISO	117 7.34	391 24.53	724 45.42	362 22.71		1594
Total (Continued)	3066	12573	12763	12411		40813

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=S,B,W: SUPPORT SERVICES

The FREQ Procedure

Table 9 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CORRECTIONAL TRA INING FACILITY	232 9.38	763 30.85	758 30.65	720 29.11	2473
DEUEL VOCATIONAL INSTITUTION	25 7.04	141 39.72	45 12.68	144 40.56	355
FOLSOM STATE PRI SON	100 6.92	471 32.60	307 21.25	567 39.24	1445
HIGH DESERT STAT E PRISON	176 11.47	415 27.05	477 31.10	466 30.38	1534
IRONWOOD STATE P RISON	169 8.53	632 31.90	758 38.26	422 21.30	1981
MULE CREEK STATE PRISON	120 8.71	315 22.86	347 25.18	596 43.25	1378
NORTH KERN STATE PRISON	38 5.53	234 34.06	224 32.61	191 27.80	687
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STAT E PRISON	72 8.90	277 34.24	180 22.25	280 34.61	809
PLEASANT VALLEY STATE PRISON	110 6.82	467 28.95	492 30.50	544 33.73	1613
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOV AN CORR FAC AT	66 7.16	319 34.60	231 25.05	306 33.19	922
SALINAS VAL STAT E PRISON	116 7.36	540 34.24	540 34.24	381 24.16	1577
SANTA RITA CO. J AIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER	72 5.26	406 29.66	380 27.76	511 37.33	1369
WASCO STATE PRIS ON	35 5.60	186 29.76	205 32.80	199 31.84	625
Total	3066	12573	12763	12411	40813

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=T: SAP

The FREQ Procedure

Table 10 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency	Row Pct	OTHER	BLACK	HISPANIC	WHITE	
AVENAL STATE PRISON	2 2.25	32 35.96	23 25.84	32 35.96		89
CALIFORNIA CORRECTIONAL CENTER	0 .	0 .	0 .	0 .		0
CALIFORNIA CORRECTIONAL INSTIT	1 2.44	19 46.34	6 14.63	15 36.59		41
CALIFORNIA INSTITUTION FOR MEN	6 2.79	79 36.74	64 29.77	66 30.70		215
CALIFORNIA MEDICAL FACILITY	0 .	0 .	0 .	0 .		0
CALIFORNIA MEN'S COLONY	12 6.67	67 37.22	48 26.67	53 29.44		180
CALIFORNIA REHABILITATION CENT	6 3.77	59 37.11	47 29.56	47 29.56		159
CALIFORNIA STATE PRISON, CALIP	0 .	0 .	0 .	0 .		0
CALIFORNIA STATE PRISON, CENTI	0 .	0 .	0 .	0 .		0
CALIFORNIA STATE PRISON, CORCO	4 4.12	24 24.74	30 30.93	39 40.21		97
CALIFORNIA STATE PRISON, LOS A	13 6.50	105 52.50	43 21.50	39 19.50		200
CALIFORNIA STATE PRISON, SACRA	0 .	0 .	0 .	0 .		0
CALIFORNIA STATE PRISON, SAN Q	0 .	0 .	0 .	0 .		0
CALIFORNIA STATE PRISON, SOLAN	16 6.67	93 38.75	55 22.92	76 31.67		240
CAL SUBSTAN ABUSE TREAT FAC AN	18 2.30	276 35.29	223 28.52	265 33.89		782
CHUCKAWALLA VALLEY STATE PRISO	1 1.18	27 31.76	32 37.65	25 29.41		85
Total		119	1072	907	955	3053
(Continued)						

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
 IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
 AS OF APRIL 30, 2004

IWTIP2=T: SAP

The FREQ Procedure

Table 10 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CORRECTIONAL TRAINING FACILITY	9 5.59	47 29.19	49 30.43	56 34.78	161
DEUEL VOCATIONAL INSTITUTION	0 .	0 .	0 .	0 .	0
FOLSOM STATE PRISON	5 4.35	33 28.70	39 33.91	38 33.04	115
HIGH DESERT STATE PRISON	0 .	0 .	0 .	0 .	0
IRONWOOD STATE PRISON	1 0.78	40 31.01	59 45.74	29 22.48	129
MULE CREEK STATE PRISON	0 .	0 .	0 .	0 .	0
NORTH KERN STATE PRISON	0 .	0 .	0 .	0 .	0
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STATE PRISON	0 .	0 .	0 .	0 .	0
PLEASANT VALLEY STATE PRISON	3 2.19	46 33.58	51 37.23	37 27.01	137
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOVAN CORR FAC AT	5 4.17	50 41.67	39 32.50	26 21.67	120
SALINAS VAL STATE PRISON	0 .	0 .	0 .	0 .	0
SANTA RITA CO. JAIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVATION CENTER	17 5.61	75 24.75	99 32.67	112 36.96	303
WASCO STATE PRISON	0 .	0 .	0 .	0 .	0
Total	119	1072	907	955	3053

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWVIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWVIP2=V: VOCATION

The FREQ Procedure

Table 11 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
AVENAL STATE PRISON	47 6.50	165 22.82	342 47.30	169 23.37	723
CALIFORNIA CORRECTIONAL CENTER	17 9.50	48 26.82	43 24.02	71 39.66	179
CALIFORNIA CORRECTIONAL INSTIT	15 4.11	96 26.30	172 47.12	82 22.47	365
CALIFORNIA INSTITUTION FOR MEN	2 2.56	28 35.90	25 32.05	23 29.49	78
CALIFORNIA MEDICAL FACILITY	8 6.61	49 40.50	24 19.83	40 33.06	121
CALIFORNIA MEN'S COLONY	23 8.24	74 26.52	91 32.62	91 32.62	279
CALIFORNIA REHABILITATION CENT	10 7.75	41 31.78	54 41.86	24 18.60	129
CALIFORNIA STATE PRISON, CALIP	12 3.59	107 32.04	160 47.90	55 16.47	334
CALIFORNIA STATE PRISON, CENTI	75 14.29	165 31.43	212 40.38	73 13.90	525
CALIFORNIA STATE PRISON, CORCO	5 2.91	105 61.05	49 28.49	13 7.56	172
CALIFORNIA STATE PRISON, LOS A	19 6.38	67 22.48	118 39.60	94 31.54	298
CALIFORNIA STATE PRISON, SACRA	0 .	0 .	0 .	0 .	0
CALIFORNIA STATE PRISON, SAN Q	16 11.68	33 24.09	43 31.39	45 32.85	137
CALIFORNIA STATE PRISON, SOLAN	47 11.22	148 35.32	89 21.24	135 32.22	419
CAL SUBSTAN ABUSE TREAT FAC AN	38 5.45	74 10.62	283 40.60	302 43.33	697
CHUCKAWALLA VALLEY STATE PRISO	38 10.38	91 24.86	181 49.45	56 15.30	366
Total (Continued)	566	1852	2700	1969	7087

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF MALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=V: VOCATION

The FREQ Procedure

Table 11 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CORRECTIONAL TRA INING FACILITY	22 11.40	41 21.24	74 38.34	56 29.02	193
DEUEL VOCATIONAL INSTITUTION	0 .	0 .	0 .	0 .	0
FOLSOM STATE PRI SON	35 8.05	140 32.18	111 25.52	149 34.25	435
HIGH DESERT STAT E PRISON	0 .	0 .	0 .	0 .	0
IRONWOOD STATE P RISON	39 7.14	161 29.49	285 52.20	61 11.17	546
MULE CREEK STATE PRISON	28 10.07	36 12.95	87 31.29	127 45.68	278
NORTH KERN STATE PRISON	0 0.00	0 0.00	3 100.00	0 0.00	3
PITCHESS DETENT CTR-RC	0 .	0 .	0 .	0 .	0
PELICAN BAY STAT E PRISON	0 .	0 .	0 .	0 .	0
PLEASANT VALLEY STATE PRISON	54 7.95	154 22.68	221 32.55	250 36.82	679
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
RICHARD J. DONOV AN CORR FAC AT	1 50.00	0 0.00	1 50.00	0 0.00	2
SALINAS VAL STAT E PRISON	0 .	0 .	0 .	0 .	0
SANTA RITA CO. J AIL-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER	15 11.63	29 22.48	32 24.81	53 41.09	129
WASCO STATE PRIS ON	0 .	0 .	0 .	0 .	0
Total	566	1852	2700	1969	7087

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=A,D: ACADEMIC

Table 2 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CALIFORNIA INSTI TUTION FOR WOM	5 4.03	42 33.87	36 29.03	41 33.06	124
CALIFORNIA REHAB ILITATION CENT	1 3.57	6 21.43	16 57.14	5 17.86	28
CENTRAL CALIFORN IA WOMEN'S FAC	19 2.89	222 33.79	231 35.16	185 28.16	657
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER-CAM	0 .	0 .	0 .	0 .	0
VALLEY SP FOR WO MEN	46 7.07	186 28.57	236 36.25	183 28.11	651
Total	71	456	519	414	1460

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
IN IWTP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=C: CAMP

The FREQ Procedure

Table 3 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency	Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CALIFORNIA INSTI TUTION FOR WOM		0 0.00	0 0.00	0 0.00	1 100.00	1
CALIFORNIA REHAB ILITATION CENT		0 .	0 .	0 .	0 .	0
CENTRAL CALIFORNIA WOMEN'S FAC		0 .	0 .	0 .	0 .	0
RIO COSUMNES COR CTR-RC		0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER-CAM		11 3.79	63 21.72	54 18.62	162 55.86	290
VALLEY SP FOR WO MEN		0 .	0 .	0 .	0 .	0
Total		11	63	54	163	291

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=F: FORESTRY TRAINING

The FREQ Procedure

Table 4 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency	Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CALIFORNIA INSTI TUTION FOR WOM	4 8.33	10 20.83	11 22.92	23 47.92		48
CALIFORNIA REHAB ILITATION CENT	0 .	0 .	0 .	0 .		0
CENTRAL CALIFORN IA WOMEN'S FAC	0 .	0 .	0 .	0 .		0
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .		0
SIERRA CONSERVAT ION CENTER-CAM	0 .	0 .	0 .	0 .		0
VALLEY SP FOR WO MEN	0 .	0 .	0 .	0 .		0
Total	4	10	11	23		48

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=I: PIA

The FREQ Procedure

Table 5 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)			
Frequency					
Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CALIFORNIA INSTI TUTION FOR WOM	8 6.56	51 41.80	24 19.67	39 31.97	122
CALIFORNIA REHAB ILITATION CENT	0 .	0 .	0 .	0 .	0
CENTRAL CALIFORN IA WOMEN'S FAC	11 7.48	51 34.69	40 27.21	45 30.61	147
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER-CAM	0 .	0 .	0 .	0 .	0
VALLEY SP FOR WO MEN	8 4.32	50 27.03	35 18.92	92 49.73	185
Total	27	152	99	176	454

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=J: JOINT VENTURE

The FREQ Procedure

Table 6 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency	Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CALIFORNIA INSTI TUTION FOR WOM		0	0	0	0	0
CALIFORNIA REHAB ILITATION CENT		0	0	0	0	0
CENTRAL CALIFORNIA WOMEN'S FAC		3 10.71	7 25.00	4 14.29	14 50.00	28
RIO COSUMNES COR CTR-RC		0	0	0	0	0
SIERRA CONSERVAT ION CENTER-CAM		0	0	0	0	0
VALLEY SP FOR WO MEN		1 4.17	8 33.33	3 12.50	12 50.00	24
Total		4	15	7	26	52

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=M: COMMUNITY CREW

The FREQ Procedure

Table 7 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				Total
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CALIFORNIA INSTI TUTION FOR WOM	0 .	0 .	0 .	0 .	0
CALIFORNIA REHAB ILITATION CENT	0 .	0 .	0 .	0 .	0
CENTRAL CALIFORN IA WOMEN'S FAC	0 0.00	2 22.22	1 11.11	6 66.67	9
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER-CAM	0 .	0 .	0 .	0 .	0
VALLEY SP FOR WO MEN	0 .	0 .	0 .	0 .	0
Total	0	2	1	6	9

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTIP2=S,B,W: SUPPORT SERVICES

The FREQ Procedure

Table 8 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)	ETHNIC (ETHNICITY)				
Frequency Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CALIFORNIA INSTI TUTION FOR WOM	21 4.45	139 29.45	110 23.31	202 42.80	472
CALIFORNIA REHAB ILITATION CENT	0 0.00	23 23.23	36 36.36	40 40.40	99
CENTRAL CALIFORNIA WOMEN'S FAC	45 6.55	212 30.86	174 25.33	256 37.26	687
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER-CAM	0 .	0 .	0 .	0 .	0
VALLEY SP FOR WO MEN	60 7.78	213 27.63	158 20.49	340 44.10	771
Total	126	587	478	838	2029

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
 IN IWTIP CATEGORIES, ETHNICITY, AND LOCATION
 AS OF APRIL 30, 2004

IWTIP2=T: SAP

The FREQ Procedure

Table 9 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)			
Frequency					
Row Pct	OTHER	BLACK	HISPANIC	WHITE	Total
CALIFORNIA INSTI TUTION FOR WOM	2 1.20	52 31.14	50 29.94	63 37.72	167
CALIFORNIA REHAB ILITATION CENT	7 4.67	34 22.67	42 28.00	67 44.67	150
CENTRAL CALIFORN IA WOMEN'S FAC	5 2.18	73 31.88	67 29.26	84 36.68	229
RIO COSUMNES COR CTR-RC	0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER-CAM	0 .	0 .	0 .	0 .	0
VALLEY SP FOR WO MEN	13 4.63	79 28.11	57 20.28	132 46.98	281
Total	27	238	216	346	827

NUMBER OF FEMALE FELONS IN THE INSTITUTION POPULATION
IN IWTF CATEGORIES, ETHNICITY, AND LOCATION
AS OF APRIL 30, 2004

IWTF2=V: VOCATION

The FREQ Procedure

Table 10 of AVEGRP2 by ETHNIC

AVEGRP2 (INSTITUTION)		ETHNIC (ETHNICITY)				Total
Frequency	Row Pct	OTHER	BLACK	HISPANIC	WHITE	
CALIFORNIA INSTI TUTION FOR WOM		4 4.08	30 30.61	20 20.41	44 44.90	98
CALIFORNIA REHAB ILITATION CENT		0 0.00	16 35.56	10 22.22	19 42.22	45
CENTRAL CALIFORNIA WOMEN'S FAC		26 7.90	105 31.91	109 33.13	89 27.05	329
RIO COSUMNES COR CTR-RC		0 .	0 .	0 .	0 .	0
SIERRA CONSERVAT ION CENTER-CAM		0 .	0 .	0 .	0 .	0
VALLEY SP FOR WO MEN		20 6.15	97 29.85	69 21.23	139 42.77	325
Total		50	248	208	291	797

*NOTE: EXCLUDES CCRC AND HOSPITAL POPULATIONS. TOTAL IS FELON POPULATION ONLY.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PROGRAM

16. In your view, which programs are most effective in reducing recidivism? How can these programs be improved? Do you plan to make changes in education or vocational education programs for inmates? How will you prioritize changes? Are additional resources needed?

A review of departmental evaluation studies and other state, federal and private research studies indicates that academic and vocational education; re-entry, substances abuse and self-help programs are effective in reducing recidivism.

Recidivism studies reveal that, in general, the longer an offender remains in a program, the greater the positive impact on recidivism.

A June 2001, report entitled, *"An Outcome Evaluation of Correctional Programs in the California Department of Correction,"* provided information about the relationship between inmate involvement in correctional programs and the probability of the inmate's being returned to prison, obtaining a job following initial release from prison, and engaging in misconduct while in prison. The study examined data of approximately 50,000 inmates released to parole in California from July 1, 1996, through June 30, 1997. The study examined the degree to which inmates who spent more time in correctional programs were more or less likely to remain out of prison and get a job while on parole. The general findings of the study were that 30 percent of the analyses showed that increased time in the program was related to a lower rate of recidivism, and three percent showed an increase. Sixty-seven percent showed no statistically significant relationships

Relative to vocational programs, each 90-day increase in the cumulative time was associated with a reduction of nearly one percentage point of return to prison in men. Each 90 days of time in the program for women resulted in a seven to nine percentage point reduction in return to prison.

On August 6, 1999, A White Paper was prepared for the Governor's Staff by the Department of Corrections Planning and Construction Division's Office of Research, titled *"Cognitive Therapy, its use in correctional settings, and its use in the California Department of Corrections [Education] Pre-Release Program"*. The findings indicate that "overall the data clearly supports the hypothesis that cognitive treatment based social problem-solving training can reduce recidivism and criminal behavior in high-risk young adults offenders". The "[Education] Re-Entry" program is based in part on the Breaking Barriers program. In a 1989 evaluation of the Breaking Barriers Program at the California Medical Facility, findings indicated that the Breaking Barriers graduates performed significantly better than the comparison group while on

parole in terms of parole revocations, pending revocations, and new commitments to prison (CDC, 1989).” This program is the basis for the current traditional Education Re-Entry Program and the Bridging education Program are based.

A recent UCLA study of the 2,000 bed expansion of CDC’s drug treatment program showed that for those offenders who participate in substance abuse programs in prison and once paroled completed at least 90 days of aftercare, had a recidivism rate of 15 percent within the first year. This is an encouraging finding.

Inmates who participate in the in-prison portion and attended fewer than 90 days of aftercare were less successful, and those who did not participate in any aftercare following an in-prison program had a 28 percent rate of return within one year. The findings indicate that an in-prison program coupled with an aftercare component yields the best results for decreasing recidivism in substance abusers.

Note: It should be noted that because the substance abuse population is different from CDC’s general population, the substance abuse recidivism rates and general population rates couldn’t be compared against each other.

The following summarizations of national research studies indicate that **academic and vocational education is effective in reducing recidivism:**

THREE STATE RECIDIVISM STUDY:

Past history and research on the value of correctional education has more often than not suffered from research design weaknesses until now. On September 30, 2001, the most comprehensive study of correctional education, *“Office of Correctional Education (OCE)/Correctional Education Association (CEA) Three State Recidivism Study”* was released. The CEA conducted this massive three-state study for the United States Department of Education Office of Correctional Education. The OCE/CEA Three-State Recidivism Study, which uses educational participation while incarcerated as a major variable, shows that simply attending school behind bars reduces the likelihood of re-incarceration by 23 percent. With a 23 percent reduction in recidivism, there are large and important fiscal and policy implications. The authors write, “Education provides a real payoff to the public in terms of crime reduction and improved employment of ex-offenders. Investments in correctional education programs have been confirmed as a wise and informed public policy.” Translated into savings, every dollar spent on education returns more than two dollars to the citizens by reducing the number of people who do not return to the institutional setting.

WASHINGTON STATE STUDY:

In January 1999, the Washington State Institute for Public Policy published their *“Research Findings on Adult Corrections’ Programs: A Review.”* They compiled a program review of Federal and State programs throughout the United States and Canada to determine their impact on recidivism. Program evaluations covered the following: Substance Abuse, Education Programs, Employment Programs, Sex Offender Treatment,

Cognitive Behavioral Treatment, Life Skills, and Intensive Supervision. They found that some programs have achieved success in lowering the probability that adult offenders will commit new crimes.

NORTH CAROLINA STUDY:

Research conducted by the North Carolina Department of Corrections in 1997 focuses on the reincarceration of individuals who had earned either an Associate's or Bachelor's degree while they were incarcerated. The inmates were tracked for three years after their release from custody, and only 5 percent were returned to prison for criminally violent offenses (compared to 40 percent of the general prison population) in North Carolina.

TEXAS STATE STUDY:

The Texas State Department of Criminal Justice, in conjunction with Sam Houston State University, published a final report of the *Prison Education Research Project* in 1994. The Texas study was comprised of a sample of 14,411 inmates. Return to prison was the primary outcome variable for the community follow-up. The study determined that there was a direct relationship between the number of hours of participation in academic and vocational programs and recidivism, as defined by the study.

How can these programs be improved?

The goal would be to maximize resources and enable the relocation of resources in an expeditious manner and apply them where they are most needed. Maintaining close scrutiny of the use of positions and space for program areas to ensure that there is a reduction of unused resources and to ensure that there are no idle inmates. Encourage the efficient use of programming space by operating two classes/shops out of one area and having students attend school during two different shifts. We are exploring the effectiveness of having inmates attend school half-day and attending other programs or work in institutional support programs and Prison Industry Authority programs. Other options include assigning independent study homework for inmates to complete in their housing unit/cell/dorm for half the day while another group attends class/shop, in effect doubling inmate assignments.

We are exploring a variety of additional venues as the Department moves forward in restructuring education after the \$24.8 million budget reduction and subsequent restoration of some funds as part of the 2003/2004 Budget Act that requires the Department of Corrections to implement educational programming for "day per day" credit eligible inmates, pursuant to Penal Code PC) Section 2033, in Reception Centers (RC) and expand the existing education programs within the General Population (GP) institutions using the same principle. The restructure includes directions to incorporate the Arts in Corrections Program into the Bridging Education Program (BEP) for the General Population.

Do you plan to make changes in education or vocational education programs for inmates?

Yes, I plan to make changes in both educational and vocational programs. The restructure and implementation of the BEP has been completed, although we are still in the process of hiring staff. There has been an increase of educational services to more than 15,000 additional inmates. The BEP Program also has a component to develop technology for centralized tracking of educational and other data that will result in more efficient operations.

The BEP is viewed as a beginning to an educational strategy for the CDC. In September 2004 a complete educational/vocational program strategy will be included in the CDC institutional program strategy. This strategy will include greater use of conventional learning networks, such as the Correctional Learning Network (CLN). In order to allow education to reach more inmates, if sufficient resources are obtained, I intend to utilize the CLN to enhance the reception center Bridging Program. Staff from EIPU is currently working with institutional staff to identify appropriate vocational programs in keeping with the labor needs of California. I have requested assistance from the Secretary of Labor in developing sound culinary, janitorial, landscaping, and barbering vocational programs, among others. These programs and others like them can provide job skills for the large number of short-term inmates who are incarcerated in the CDC. Viable vocational and education programs will be developed for inmates serving longer terms. Education and vocational programs will be linked with self-help programs, such as parenting, substance abuse, anger management, and life skills training.

How will you prioritize changes?

As we develop the CDC education and vocational strategy, my priorities will become clearer. For now, my priorities are 1) to seek funding to expand the use of CLN, beginning at the reception centers and including to General Population inmates; 2) re-allocate resources to expand vocational programs in line with the labor needs of CDC; and 3) to increase parole preparedness through self-help education such as life skills and other self-improvement programs.

Are additional resources needed?

It is not known yet what, if any, additional resources are needed. The Governor's Performance Review Team members are evaluating and making recommendations on educational programs. Additional staffing and physical plant modifications/additions may be needed as we increase programming. One good example is the EIPU Sacramento Skills Center Expanded Re-Entry Program Pilot that involves a whole team concept with education, parole, community resources and institutions in the re-integration efforts for inmates paroling to Sacramento County. The support system has shown to be successful in helping inmates from returning to crime and incarceration. The model could be expanded to all counties if funds were available.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PROGRAM

17. Should every inmate have a job or an educational or vocational assignment? If so, how many more assignments would be needed? How should we evaluate the quality of CDC programming?

Yes. It is my vision that every inmate should have an opportunity to participate in some type of educational, vocational or work assignment. At a minimum, every inmate should be given an opportunity to better themselves through access to educational and self-help services.

Number of Additional Assignments Needed

With regard to assignments for all inmates in the institutional setting, we estimate that approximately 17,000 additional assignments would be needed to provide an opportunity to all eligible inmates. It should be noted that there are approximately 37,000 inmates that are not currently eligible for such assignments due to various precluding case factors such as placement in restricted housing units, medical restrictions, and institutional security needs. These inmates could benefit from educational, training and self-help programs that would help them with topics such as Anger Management, Substance Abuse, and assistance on how to get out of gangs. It is my goal to target this population through innovative means to expand such opportunities to the degree resources are available.

We have already installed the Corrections Learning Network, which is a new satellite distance education system. Sixteen institutions are utilizing the system in various stages of implementation ranging from program broadcasts to enrolling inmates in particular classes. Additionally, we recently implemented the Bridging Education Program, which provides education in Reception Center settings where no program previously existed, and in General Population institutions as well. We have also implemented some innovative programs such as the Transitional Housing Unit Program where teachers assist inmates in making decisions to get out of gangs. We are exploring a variety of means to increase inmate access to educational materials and use of self-help study programs such as the Breaking Barriers Program, Anger Management, Substance Abuse and Stop the Violence for all inmates, as resources are available.

How Should the Quality of CDC Programming Be Evaluated?

The success of our programming should be evaluated on how well it meets the expected outcomes and objectives. In Education we evaluate success by tracking certificates of course completion, Certificates of Achievement, and the number of General Education Development (GED) and High School Diplomas attained by our inmate population. We also track statewide educational improvement through evaluation of the results from the standardized and recognized educational measurement instruments such as the Test of Adult Basic Education (TABE), the Comprehensive Adult Student Assessment System (CASAS) and the Woodcock-Johnson Test and Brigance Test.

Probably the most significant measurement of the quality of our correctional education programs as they currently exist is the accreditation process conducted by the Western Association of Schools and Colleges. Every adult school within CDC is currently accredited. Furthermore, the Programs of Excellence Award administered by the California Department of Education is another excellent evaluation tool. I am proud to say that two of our institutions, California Correctional Institution and the Substance Abuse Treatment Facility, have received this prestigious award and a third institution, California Medical Facility, is strongly being considered.

Additional success measures include evaluation of statistical information regarding inmate employment, the types/numbers of incidents that occur in institutions, as well as the number of specified Rules Violation Reports, and inmate appeals that are filed regarding certain aspects of institutional operations.

When budgetary constraints permit, it is my intention to focus more attention on developing and/or enhancing automation systems to better collect, analyze and prepare management information reports. Additionally, each new program that is developed will include an evaluation component that is adequately funded, which will allow the department to conduct assessments of programs and make modifications that will increase efficiency.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PROGRAM

18. Can CDC's gender specific programs for women be improved to reduce recidivism?

Yes, CDC can improve the delivery of programs for women. A major step in strengthening the programs for women is the recognition that the services must be gender relevant and gender specific. The Department currently has an array of programs which model gender responsive programming.

The CDC has two mother/infant programs: Community Prisoner Mother Program (CPMP) and Family Foundations Program (FFP). Statistics reveal that inmates paroling from these programs have a recidivism rate significantly below the statewide average. Consequently, increasing the beds for both of these programs would help reduce the recidivism rate for female offenders. The expansion of beds in the CPMP could be accomplished by re-activating the twenty-four beds lost in recent departmental budget cuts. The FFP could likewise be expanded by appropriating the funding for the activation of a third facility in Fresno, in which activation has been postponed due to budgetary constraints.

The Female Offender Treatment and Employment Program (FOTEP) is an intensive substance abuse program that allows female parolees to live and program with their children in a residential community setting. FOTEP provides thorough training and counseling services for female parolees to enable their successful reintegration into the community upon release from prison. This program provides up to 15 months of service. FOTEP services include drug and alcohol abuse treatment; cognitive and job skills development; education; vocational training, life skills; victim impact awareness; anger management; parenting and family reunification; counseling; employment opportunities; and, assistance with affordable housing upon completion.

Studies have shown that without treatment, drug offenders are more likely to return to prison. UCLA studies have shown that the return-to-prison rate for inmates completing in-prison and aftercare programs like FOTEP is significantly lower. A significant number of FOTEP completers have not been re-incarcerated as compared to non-FOTEP completers. It has also been documented that FOTEP participants have a higher rate of job-seeking activities and improving their education. The Department can improve recidivism rates in the women population by the following:

- Increase the number of FOTEP beds;
- Make FOTEP a mandatory condition of parole for women; and
- Have CDC receive funding for aftercare at 100%. Currently CDC is funded to provide funding for only 50% of all inmates who participate in an in-prison substance abuse program.

Further, these programs could be improved to reduce recidivism by incorporating more pre-parole services. Pre-parole services are currently offered to inmates in the program, however a better utilization of these services could help reduce recidivism. Ideas for improvement include providing inmates with county specific resources for aid in securing housing, employment, medical/dental services, legal services, financial aid, education, social services, and other. Additionally, inmates would benefit by direct contact with Parole and Community Services Division staff to discuss parole expectations and explore parole options. As part of the new parole model, institutions are implementing a pre-parole program that could mirror the success of the FOTEP, FFP and CPMP programs, which would significantly improve the inmates' chances of a successful transition to parole.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PROGRAM

19. Some institutions offer college courses, but others do not. Should the availability of college courses be expanded?

Yes, availability of courses should be expanded and especially those that are available at no cost to the state. Extensive research demonstrates that recidivism rates decline significantly with higher education. This is documented in many recidivism studies referenced in a research study titled Changing Minds: The Impact of College in a Maximum Security Prison, by The Graduate Center of the City University of New York, September 2001. Findings include:

- When inmates participate in a college program studies have shown they begin experiencing a sense of responsibility for their crimes, to their victims, the victim's family, and to their own family.
- College creates a more manageable prison environment. Inmates in college programs are more likely to avoid confrontations if they know that participation in college courses is jeopardized.
- Inmate participation in college programs reduces the amount of post-release crime and improves compliance with parole expectations, thus reducing recidivism and providing a cost savings to the state.
- Inmates who parole with college have a significantly higher rate of employment, 60-70% than those without college, 40%.
- College programs are economical. The cost of a college education in prison is about one-tenth of the cost of housing an inmate, and yet the dividends in calmer prisons, inmates' sense of responsibility, and reduced recidivism make college a bargain.

Current Status of College Programming: in the California Department of Corrections

- The CDC currently has a Memorandum of Understanding with the Palo Verde Community College District to provide college course work at five institutions (CVSP, ISP, SOL, PVSP, and DVI). CRC has a college program through Riverside Community College.
- The Incarcerated Youthful Offender Program, a federal grant program for inmates 25 years of age and under, provides a High School Diploma or General Education Development Certificate, and operates at 12 institutions offering inmates college correspondence programs through Fresno Pacific College, Palo Verde Community Colleges, Coastline Community College and University of California, Berkley.

- Twenty-nine out of 32 institutions permit inmates, who can afford it, to take college correspondence courses. These courses vary from traditional degree programs to two-year faith-based degrees.
- The Education and Inmate Programs Unit is working with the Community College Chancellor's office to consider how all institutions can participate in a community college program similar to that of the Palo Verde Community College District.
- Patton College offers a four-year degree at San Quentin State Prison
- Sixteen prisons, CAL, CCI, CEN, CIM, CMC, CRC, CVSP, ISP, PVSP, RJD, VSPW, CTF, DVI, FSP, SOL, and SVSP, have students enrolled in Coast Community College.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

HEALTH CARE

20. What oversight will you provide to Health Care Services Division to ensure that its health care service delivery is adequate, consistent with community standards, and that it provides adequate medical leadership, and best practices?

I recognize that there are many opportunities to improve the effectiveness and efficiencies of the operations within the HCSD organization. I look forward to the recommendations of the Independent Review Committee (IRP), and am optimistic about the possibility of engaging in discussions with the University of California System about ways the universities might help us improve the efficiencies and efficacies of the health care system of the CDC. With the assistance of the university system, and other professional health care entities, we will identify the best method of delivering cost effective health care services to our inmates. Part of working with outside agencies and professionals is to develop the best oversight tools to ensure we are meeting our health care goals.

The HCSD has made great strides in overcoming many of the same challenges that face health care providers in the greater community, as well as challenges that are unique to a prison setting. In order to competently manage the delivery of quality health care, Health Care Services Division (HCSD) recently reorganized, including the establishment of a "Quality Management System", a new network of committees, subcommittees, and work groups, to perform continuous program evaluation in priority program areas. The Quality Management System consists of multiple governing and administrative structures. At the helm is the HCSD Governing Body, chaired by HCSD's Deputy Director, which has ultimate authority over and responsibility for provision of health care services to inmate-patients. The HCSD Governing Body reports to the CDC cabinet through the Deputy Director of HCSD.

The Quality Management System is an interdisciplinary approach that facilitates improved management of field operations and continuous program evaluation. The Quality Management System convenes standing interdisciplinary teams to address priority program areas for continuous program evaluation and improvement, both locally and statewide, through the development of program standards and the development and use of performance indicators based upon standardized program policy consistent with community standards.

The same Quality Management structure is mirrored at the institution level. Institutions are required to collect data on specified program or process indicators, which will be reviewed and analyzed to identify opportunities to improve health care service delivery. Data will identify trends and patterns over time and steps taken by the institution to address important problems and issues. Institutions will be required to forward data to analogous parent programs at HCSD for review and further analysis to identify best practices, monitor program and individual performance, opportunities for program improvement, and facilitate the mobilization and alignment of resources to accomplish common goals and objectives.

Through the establishment of the Quality Management System, oversight of adequate medical leadership and health care service delivery consistent with community standards and best practices is enhanced and will facilitate improvement of health care administrative structures, processes, and professional practices through data collection and management, the development of policies and procedures, and training for civil service and contract staff.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

HEALTH CARE

21. What is the role of a warden to ensure that adequate and appropriate health care is being provided at a prison? How would you monitor the activities of the warden to ensure that they are being implemented?

In the correctional setting, the Warden and the Health Care Manager are partners. Each is an integral component of the leadership, which must be in place to ensure the mission of CDC. In this dual relationship, the Warden is responsible for ensuring that inmates are provided timely access to required medical service. The Health Care Manager is responsible for ensuring inmates are provided appropriate medical care. To facilitate this effort between custody and healthcare, the following changes are being implemented:

An Associate Warden, Health Care Services, who reports directly to the Warden or Chief Deputy Warden, is established, as budgeted, as institutions are "rolled out" in the seven-year implementation of the Inmate Medical Services Program (*Plata*). This position provides a single focus point of responsibility for ensuring access to healthcare services. Appropriate completion of log books and oversight of access tracking systems, that are critical aspects of the Inmate Medical Services Program, will allow this position to accumulate and analyze data to identify problem areas or issues with access to care. This position also serves to reinforce the continued cooperation between health care and custody staff to identify inmates with disabilities, determine their adaptive needs in a timely manner, and to ensure their access to services pursuant to the *Clark* and *Armstrong* mandates.

The Quality Management Assessment Team (QMAT) will be collecting data on access to care at each institution, thus, creating the opportunity to compare each institution's ability to ensure access to care. The HCSD is identifying best practices and is sharing that information with institutions statewide. This type of information is vital to both the Warden and the Health Care Manager in carrying out their respective responsibilities.

Each institution will be audited by the QMAT at least annually for access and quality of services. The QMAT is currently auditing the calendar year 2003 Inmate Medical Services Program institutions (Valley State Prison for Women, Central California Women's Facility, California Institution for Women, California State Prison – Corcoran, High Desert State Prison, California State Prison – Sacramento, and Salinas Valley State

Prison). It is anticipated that audits of the 2003 rollout institutions will be completed by June 2004.

We are in the process of implementing the HCSD Quality Management Committee at HCSD headquarters and at each institution. The Quality Management Committee at each institution will identify opportunities for improvement. The Institution Quality Management Committee minutes will be sent to the HCSD headquarters' Quality Management Committee. I will also receive and review the minutes of these meetings.

While the institutions that have a licensed medical facility have a formal governing board to deal with the specific medical access and treatment issues, other institutions do not. I have asked the Deputy Director of HCSD to explore the feasibility of established a "governing body" at all institutions. This would formally bring together the Warden and Health Care Manager to deal directly with the medical issues and problems existing in the institution. Also, I will be proposing statewide meetings for Wardens, Health Care Managers, Headquarters' management and myself to deal with medical issues. I believe these meetings will strengthen and support the dual role of the Warden and Health Care Manager in meeting their medical challenge.

In cooperation with the *Coleman* Special Master, the HCSD is in the process of establishing a Coleman Project Team to undertake the management of *Coleman v. Davis* with specific responsibility of achieving substantial compliance with the requirement of this case as expeditiously as possible. The Project Team is comprised of staff from HCSD, Institutions Division, Legal Affairs Division, and consultants. Although the Health Care Manager has primary responsibility for providing clinical mental health treatment in compliance with the program guides, the Wardens must assume and have been directed to assume the overall responsibility for institutional compliance with the *Coleman* decree. This includes ensuring the appropriate number of staff and adequate access to services.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

HEALTH CARE

22. An initial audit indicated that it costs more to collect the inmate co-pay for health care services than it takes in and CDC has been unable to provide other data to the contrary. Absent the statutory requirement, what is the rationale for maintaining such a system?

I understand that the inmate copay program has been controversial since its inception and an initial audit did in fact reveal that it cost more to administer than the copayments realized for the department. As the authorization for the program is codified in Penal Code Section 5007.5 and as the department's budget was reduced, as described below, there was reluctance by the prior administrations to approve rescinding the program.

When the Inmate Copayment Program was enacted by the Legislature and implemented by Title 15, Section 3354.2 of the California Code of Regulations in 1994, the intent of the program was to (1) reduce the number of frivolous inmate health care visits; (2) make inmates more responsible for their health care needs; and (3) create a revenue source to offset rising inmate health care costs. The Program requires that inmates be charged a \$5 copayment for each inmate-initiated nonemergency health care visit. The inmates are not denied a health care visit if they do not have the necessary funds in their trust account. Inmates are exempt from copayment fees for emergency, mental health, and chronic care services, as well as prescription medications, follow-up treatment, inpatient care, and diagnosis or treatment of communicable diseases.

CDC previously estimated that the annual administrative costs to operate the Copayment Program would be approximately \$3.2 million. This figure, however, was developed in 1993. We are in the process of developing a more current estimate for you and intend to provide that to you prior to the confirmation hearing. Each year the CDC received a \$1.7 million reduction to its General Fund appropriation regardless of the amount of inmate copayment funds collected. The CDC has collected an average of \$800,000 annually, beginning in fiscal year (FY) 1997-98, through FY 2002-03. From the figures, it is apparent that the program is not cost effective; however, should it be rescinded, the department believes that the \$1.7 million should be restored to its budget.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

HEALTH CARE

23. How would you determine if additional managed care strategies should be implemented at CDC? Is it appropriate to bring in managed health care experts to evaluate and assist you in structuring cost effective and efficient health care delivery?

The Health Care Services Division (HCSD) continues to aggressively pursue and implement a managed care model to reduce health care program expenditures statewide, which includes seeking advice from nationally recognized experts in managed care. We believe there is great value in obtaining input and advice from experts outside the CDC. Input from these experts will assist us in identifying current best practices in managed care that are appropriate to health care in a correctional setting. Some managed care strategies and cost saving initiatives have been or are in the process of implementation. The Quality Management System will provide the structure necessary to effectively and efficiently evaluate the appropriateness, timeliness and cost effectiveness of these managed care strategies and will provide many opportunities to improve correctional health care and cost avoidance through data collection and empirical analysis. A few of the managed care strategies and cost saving initiatives that the HCSD is implementing include:

- Standardized and comprehensive policies and procedures.
- A standardized drug formulary.
- Prescribing protocols for atypical antipsychotic medications and generic antidepressants.
- Standardized treatment protocols for commonly diagnosed conditions.
- A standardized Hepatitis C Virus Management Program to reduce expenditures for diagnostic testing and pharmaceuticals.
- Preventive care programs to increase early identification and treatment of illnesses and diseases.
- A Chronic Care Program to provide improved medical management of inmate-patients with chronic diseases and to reduce unscheduled emergency visits.
- Increased use of Telemedicine services to provide primary and specialty care services.

- A utilization management program to monitor appropriateness, timeliness, clinical utilization and cost effectiveness of specialty services, emergency services and hospital bed utilization.
- Negotiated discounts and rebates for high-cost, high-volume pharmaceuticals.
- Increased availability for licensed beds for CDC inmate-patients.
- Expand on-site dialysis services.
- Explore contract opportunities including the establishment of a pharmacy automation systems, robotics, mail order services, and pharmaceutical discounts.
- Improve contract services management through the use of Preferred Providers at negotiated reduce rates.
- Increase staffing levels and improve civil service compensation packages to competitive levels to reduce reliance on contract providers.
- Coordinate requests for specialty providers through a centralized referral process to approved contracted providers.
- Consolidate specialty contracts, ensuring best rates and availability of services as required.
- Ensure that prisons recover identified overpayments that have been made to providers for medical service charges. Similarly, prisons should rectify any underpayments that have been made to providers.
- Evaluate the payment process and identify weaknesses, to ensure compliance with the California Prompt Payment Act.
- Contract with a third party to audit HCCUP invoices, in order to ensure compliance with contract rates and terms, identify over and/or underpayments, and establish a process for collection of overpayments. In addition, the contractor will provide an IT solution for data collection and tracking of savings.

In addition, we look forward to the recommendations of the Independent Review Panel (IRP). We are also looking forward to discussions with the University System to help the CDC identify appropriate ways to improve the quality of care within our system.

**SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

HEALTH CARE

24. How would you determine whether out-of-prison health care expenditures can be reduced?

As part of its budget monitoring responsibilities, the Department routinely reviews health care cost and utilization as it relates to contract medical expenditures. These reviews include an analysis of both cost and utilization data. The analyses allow the CDC to compare utilization practices between institutions with similar custody missions; similar health care missions, within geographic regions, and statewide. Once unusually high or low expenditures and/or utilization practices are identified, the CDC then determines the basis and reasonability for the difference. Recommendations are then made for improving how health care services are delivered and how contracts are utilized.

In addition, by employing cost and utilization data, the Health Contracts Unit (HCU) reviews contract requests to determine whether or not there is a necessity for that contract; and if the proposed rate is reasonable. Through its contract monitoring efforts, the HCU identifies inappropriate utilization practices and assists in determining best practices for obtaining cost-effective contracts as well as the appropriate utilization of those contracts. Also, Health Care Field Operations staff identify "problem" contracts and propose solutions that will promote cost effective methods to provide services and thus reducing or eliminating the need for contracted medical services.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

HEALTH CARE

25. The State Auditor recently concluded that a significant number of CDC medical services contracts incurred unnecessary costs. What can you do to address these problems and how will you determine if your efforts to address them have been effective?

As recommended by the Bureau of State Audits (BSA), to ensure that it obtains medical services contracts that are in the State's best interest, the CDC will:

- Adopt procedures that require staff to consider utilization data when negotiating medical services contracts and require staff to document the use of these data in the contract file.
- Enforce rate exemption requirements, including obtaining and reviewing documentation to verify a prison's justification for higher rates.
- Work with the Office of Statewide Health Planning and Development to obtain hospital charge masters and use this information to negotiate contract rates.
- Seek and offer specialized training for its negotiation staff so they can effectively negotiate favorable rates and share any strategies and techniques with the prison negotiation staff.
- Continue to seek per diem rates as a compensation method when negotiating hospital contracts and document the attempts to obtain per diem rates.
- Continue generating report cards periodically and establish procedures for staff such as prisons' associate wardens to submit corrective action plans to the Office of Contract Services (OCS) to monitor.
- Evaluate its contract processing system to identify ways for HCSD, Institution Contract Section (ICS) and prisons to eliminate delays in processing contracts and avoid allowing contractors to begin work prior to the approval of the contract.

- Continue to require prisons to submit documentation to ICS demonstrating their attempts to obtain services from registry contractors with their requests for services from a non-registry contractor.
- Continue to monitor prisons' registry expenditures on a monthly basis and evaluate their need for services.
- Improve its efforts to provide only medically necessary services and contain medical services costs by ensuring that the Utilization Management (UM) nurses adhere to the UM guidelines requiring them to perform and retain documentation of their perspective and concurrent reviews.
- Clarify and update the UM guidelines for performing retrospective reviews.
- Establish a quality control process that includes monthly reviews of a sample of the invoices processed by the prisons' Health Care Cost and Utilization Program (HCCUP) analysts.
- Evaluate its payment process to identify weaknesses that prevent it from complying with the California Prompt Payment Act.

The success of our efforts in implementing the improvements recommended by the BSA will be measured in cost efficiencies in the total amounts paid for contracted services.

SENATE RULES COMMITTEE'S REQUEST FOR INFORMATION FOR DIRECTOR'S CONFIRMATION HEARING

HEALTH CARE

26. How will you seek to manage and control the rising pharmaceutical costs of prescription medications for inmates?

In order to minimize pharmaceutical expenditures, without compromising therapeutic benefit or quality of care, the California Department of Corrections (CDC) utilizes a quality management approach to strategically focus its efforts toward optimizing the procurement, utilization, and delivery of pharmaceutical agents.

The quality management model optimally utilizes divisional resources, through standing interdisciplinary committees, subcommittees, and workgroups, which plan, develop, and implement strategies for effective program oversight. At the helm of the Health Care Services Division (HCSD) quality management system, is the HCSD Governing Body, which reports to the CDC Cabinet through the Deputy Director of the HCSD. With respect to management of the pharmacy program, the Health Care Services Division (HCSD) implemented Pharmacy and Therapeutics (P&T) Subcommittees, at both headquarters and the local level. The P&T Subcommittees report to their respective Quality Management Committees (QMC), and in turn, each QMC reports to its respective Governing Body.

I. Quality Management

- Implement program standards and performance indicators.
- Revise pharmacy policies and procedures.
- Update the CDC Formulary and improve prescribing practices.
- Develop orientation and on-going training programs on issues including, the CDC Formulary, contract compliance, medication utilization, and treatment protocols to improve consistency, staff retention, and quality assurance.
- Implement routine reports that focus on the management of the Formulary, contracts, inventory, and drug utilization in order to determine appropriate prescribing compliance, program cost effectiveness, emergent trends, and steps taken by the institutions to address important problems and issues.
- Track, analyze, and report quarterly pharmaceutical utilization and cost data
- Phase in and implement the Health Care Management System, an information technology solution that provides comprehensive health care management, including improved procurement, dispensing, delivery and tracking of

pharmaceuticals. Initial piloting at the California Medical Facility (CMF) scheduled to begin July 2004. With full implementation estimated in 2006.

II. Procurement

- Participate in multi-agency partnerships to develop effective medication utilization guidelines, improve prime vendor contract negotiations, and secure discounts for prescription drugs.
- Continuously review and update the CDC Drug Formulary, consistent with community standard practices and pharmaceutical developments.
- Pursue opportunities to qualify for participation in the Federal 340B Drug Pricing Program to obtain eligibility for preferred pharmaceutical discounts.

III. Utilization

- Diligent and timely communication of newly approved generic agents and up-to-date treatment modalities.
- Development and implementation of prescribing guidelines for targeted high-cost/high volume medication categories.
- Monitoring and analyses of prescription data of targeted medication categories to ensure program and contract compliance, appropriate use, and timely identification of emergent issues.
- Implementation of the *Hepatitis C Clinical Management Program*.

IV. Operational Efficiency

- Complete local area network / wide area network connectivity in all pharmacies.
- Utilize interim data mechanisms to facilitate improved monitoring, reporting, and analyses of pharmacy data to improve inventory practices, and regulatory compliance and reporting, while reducing medication errors and medication waste.
- Explore the feasibility of mail order delivery of pharmaceuticals.
- Research feasibility of utilizing telepharmacy, regionalization of pharmacies, and automated dispensing machines.
- Perform annual pharmacy inventories.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

HEALTH CARE

27. Correctional health care systems in other states have implemented pharmaceutical treatment algorithms (predetermined step-by-step medical recommendations based on the patient's diagnosis and response to treatments) to select appropriate medicines and purchase them in the most cost-effective manner. Is such a strategy appropriate for CDC?

The HCSD recognizes the criticality of medical propriety and cost efficiency in its provision of effective and appropriate health care and, consequently, has developed and implemented prescribing guidelines addressing appropriate dosing, as well as, generic and therapeutic substitutions of several high-cost/high volume medication categories.

Specific guidelines implemented by the HCSD include:

- A tier protocol for atypical antipsychotic medications.
- Manufacturer's dosing recommendations for atypical antipsychotic medications.
- Generic substitutions for antidepressant medications.
- Generic substitutions for proton pump inhibitors.
- Restricting the use of gabapentin to medical (non-psychiatric) purposes only.

Additionally, the HCSD recently updated and disseminated its hepatitis C treatment protocol, which includes a treatment algorithm, and expects statewide implementation of the *Hepatitis C Clinical Management Program* to be completed in 2004.

The HCSD will continue to expand its use of pharmaceutical algorithms, as our IT systems are more developed to accommodate this process.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

HEALTH CARE

28. How can the state attract health care professionals given some of the remote locations of our prisons? What are your thoughts on how to fill high-vacancy positions such as nursing and dentistry?

This is a difficult problem that cannot be answered by salary alone. We have had some success in utilizing the local Chamber of Commerce to assist in outreaching the positive aspects of their respective communities such as:

- a. Available housing
- b. Schools
- c. Places of Worship
- d. Medical Facilities
- e. Restaurants
- f. Transportation
- g. Entertainment
- h. Emergency Services
- i. Airports
- j. Shopping Areas/Malls and
- k. Recreational Facilities

Additionally, Health Care staff and other employees working at our remote institutions are our best resource in encouraging prospective employees to work at our remote prisons. The Institution's Health Care Recruitment Coordinator also plays a major role in coordinating recruitment events, as he/she is also knowledgeable of the benefits of choosing to work at the location.

Health Care recruiters are recruited locally and are regionally located. They usually have personal knowledge of the region in which they work and can relay positive information to prospective employees.

Effective June 1, 2004, the Office of Selection and Standards (OSS) will assume responsibility for the centralized testing and hiring of 12 of the most difficult to fill classifications within Health Care. It is anticipated that this effort will reduce the workload for Personnel staff in the field, as OSS will be responsible for advertising

vacancies as they occur recruiting candidates, completing all pre-hiring paperwork, including management of the certification lists, and setting up the hiring interviews. Health Care management staff in the field will provide subject matter experts to conduct examinations (QAPs) and institution representatives to participate in the hiring interview process. The final hiring decision will remain with the institution's hiring authority; however, it is expected that the hiring decision will be made expeditiously. Where a decision is not made within one week of the interview, the OSS has been given authority to make the hiring decision and initiate the appointment paperwork for the selected candidate.

Finally, the State is competing with the private sector. Health Care Professionals in the private sector are currently being offered many lucrative incentives. In order for the Department to attract these professionals, we must offer compatible incentives.

The CDC will also explore other innovative ideas to include the possibility of paying college loans for Health Care employees and/or paying for college in exchange for year for year employment with CDC.

The first of these is the fact that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The second is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The third is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The fourth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The fifth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The sixth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The seventh is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The eighth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The ninth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The tenth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PAROLE ISSUES

29. What is the status of implementation of the "New Parole Model?" Has the implementation plan been modified to respond to concerns raised by the LAO that implementation delays have significantly limited the impacts of planned programs in the short term? Are there additional opportunities being considered to expand these programs and provide services to inmates while also reducing long-term costs?

The 2004 May Revise changed the implementation date for the New Parole Model (NPM) from January 1, 2004 to March 1, 2004. The modification addressed implementation delays that primarily resulted from Executive Order S-3-03, which prohibited departments from filling vacancies that constituted a new hire, and Executive Order S-4-03, which imposed contract, equipment acquisitions, and travel bans.

The implementation status for each component of the NPM is described below. In addition, NPM training has been completed by all unit supervisors and parole administrators. Parole agent training is pending CPOST approval. A Bargaining Unit 6 agreement was reached for the Community Correctional Reentry Centers (CCRC)/Halfway Back Program on February 9, 2004, and an impasse was reached on March 16, 2004 for the Substance Abuse Treatment Control Unit Program (SATCU). All other negotiations remain in process.

Pre-Release Program: Establishes a Parole Pre-Release Team, consisting of a Parole Agent II (PA II) and a Parole Services Assistant(s) (PSA), in each of the 32 California State Prisons, and a contracted social worker in each Parole District. A risk/needs assessment tool will be used to establish/solidify reentry plans for all offenders prior to their release.

- 40 PSAs commenced training at the Academy on May 17, 2004. 3 PSA interviews are in process.
- PA II training will commence May 26, 2004. 25 of the 32 PA IIs have been hired.
- On June 1, 2004, the PA IIs and PSAs will report to their assigned institutions.
- Contracts for District Social Service Workers have been approved.

- The selection of the automated Risk Assessment Tool is in process. A temporary form has been developed by Parole and will be used in the interim.

Police and Corrections Team (PACT): Parole will establish partnerships in each District with local law enforcement and social services agencies and will contract with Community Resource Coordinators (CRC). PACT Orientation meetings will facilitate the release and reintegration of parolees into the community by matching parolee needs with available resources. Follow-up will be conducted on all parolees who fail to attend.

- 30 of the 35 PA IIs have been hired.
- Contracts for 24 of the 25 CRCs have been awarded and services are expected to commence by June 1, 2004. Contract for Central Coast-Region II will be rebid.

CCRC/Halfway Back Program: Parolees who have committed minor/technical violations will be housed and programmed in CCRCs for 45 to 120 days.

- The program was implemented February 9, 2004 with 792 CCRC beds statewide.
- Current population consists of 425 parolees and 260 inmates.

Electronic In-Home Detention (EID): EID will be used as a curfew/home detention program for non-violent, low-end offenders who have committed technical parole violations.

- On May 18 2004, Capital Partnerships, Inc., the apparent EID low bidder, completed a successful product demonstration. The contract award is pending verification of references and site inspection.
- Anticipated startup date for EID is June 14, 2004.

SATCU: Parolees who have committed violations and are in need of a period of confinement and treatment to get their substance abuse under control will be placed in SATCU. The 30-day in-custody program will be provided through contracts with local jails and a contract with the Contra Costa County Office of Education (CCCOE), the administrator of the Substance Abuse Treatment and Recovery Program. 90-day mandatory aftercare will be provided through contracts administered by the Office of Substance Abuse Programs.

- SATCU is budgeted for 1,316 beds.
- Total SATCU beds (statewide) are 1,230. 834 beds are confirmed and should be activated/filled by June 15, 2004. 86 beds are pending contract negotiations.
- 9 of the 15 PA IIs have been hired.
- CCCOE contract commenced January 1, 2004.

The following opportunities for program/service expansion were proposed in the May 2004 Revise under the Parolee Accountability Initiative.

- Increased educational, vocational, and treatment programs, including NPM components and successful components of the Preventing Parolee Crime Program.
- Allowing serious/violent offenders, who have committed minor violations, access to NPM programs.
- Rescinding the "one time use per offender" limitation for NPM sanctions.
- Employment of a Global Positioning System Satellite surveillance program.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PAROLE ISSUES

30. What is your overall assessment of the effectiveness of the existing programs that provide treatment and services to parolees? How many parolees are homeless or are living in temporary shelters? How many of these parolees are also mentally ill?

The existing Preventing Parole Crime Program (PPCP) has been highly effective in meeting the treatment goals of the parolee population and therefore, reducing the likelihood of returns to prison and/or absconding parole supervision. It has been determined that the PPCP has been successful in reducing the prison bed count by maintaining parolees in the community in a contributory capacity, thus, increasing their overall reintegration efforts and enhancing the Parole and Community Services Divisions (P&CSD) public safety endeavors.

The PPCP includes several major components such as residential multi-service centers, literacy labs, substance abuse education, drug treatment networks, employment readiness and job placement assistance.

According to the independent evaluation of the PPCP conducted by Principal Investigator, Sheldon Zhang, Ph.D. of the California State University San Marcos Foundation, the most important finding of the study "is that parolees who met the treatment goals of the PPCP provider were considerably less likely to return to prison than parolees who were not enrolled in PPCP services, or enrolled but did not complete the treatment." Additionally, "parolees who met the services goals were less likely to abscond than those who did not complete the program." Moreover, the pivotal factors in the success of the PPCP are parolee participation, program funding and the independent research/evaluation component.

The effectiveness of the PPCP can also be measured by taking into account the number of days participants remained in the community following their initial release to parole supervision, as compared to their counterparts who failed to participant in any type of programming. For the study period, the PPCP participants saved a total of 1.54 million days in incarceration. Additionally, on average the PPCP population stayed out of prison for 35.5 days longer than the non-PPCP population.

When considering these factors, I would say the overall effectiveness of existing programs is significant, noteworthy and critical to the overall efforts of the California Department of Corrections (CDC). The considerable level of program effectiveness has enhanced CDC's efforts to develop and implement effective and innovative correctional policy while creating a coordinated correctional system that is responsive to the citizen's right to public safety.

It is estimated that approximately 7 to 10 percent of the parolee population are homeless and/or living in temporary housing or shelters. Additionally, 10 to 15 percent of the parole population suffers from mental illness in that they experience major thought or mood disorders.

207

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PAROLE ISSUES

31. What is the status of the Department's Mental Health Services Continuum Program? What should be done to improve services to mentally ill parolees? How are services being provided for inmates who have a dual diagnosis? How is the Department coordinating with the Department of Developmental Services and Regional Centers to provide assistance to parolees who are developmentally disabled?

What is the status of the Department's Mental Health Services Continuum Program?

Implemented in July 2000, the Parole and Community Services Division's (P&CSD), Mental Health Services Continuum Program (MHSCP) is a program that provides mental health treatment and services for more than 20,000 mentally ill parolees per fiscal year. The MHSCP services include a pre-release needs assessment, benefits eligibility and application assistance to identified, paroling mentally ill inmates. Post-release mental health treatment services include medication management, psychological testing, individual/group therapy, and the linkage to various benefits and entitlements (such as SSI, Medi-cal, and General Assistance, if applicable) that are available in the community. The MHSCP utilizes an automated network database in order to track and ensure each component of the program provides comprehensive services to the mentally ill population efficiently and effectively.

Recent data from the MHSCP's University of California, Los Angeles research evaluation showed that the MHSCP is effectively reducing recidivism rates of the mentally ill population it services. Data from the 1st Annual MHSCP Evaluation report includes the following key points:

- Receiving a pre-release assessment, as part of the MHSCP, was associated with a 34 percent reduction in the likelihood of being returned to custody within 12 months.
- One or more Parole Outpatient Clinic (POC) contacts following release was associated with a 65 percent reduction in the recidivism risk.
- 17.4 percent of parolees with at least 9 POC sessions had recidivated within 12 month compared to 70.6 percent of parolees with no POC contact.
- One or more POC contacts was associated with saving of \$5,523 dollars per Enhanced Outpatient Program (EOP) parolee and \$3,742 for each Correctional Clinical Case Management System (CCCMS) parolee compared to those with no POC contact.

What should be done to improve services to mentally ill parolees?

An improvement would be the establishment of a standardized clinician to parolee ratio for treatment services. Based on the findings of the UCLA evaluation report, multiple POC appointments can reduce the recidivism rate of the mentally ill population. Currently, POC staffing levels may not be able to provide these multiple sessions depending on individual POC clinician caseloads. Establishing a caseload ratio would immediately add key clinician staff,

reduce current caseloads per POC clinician, and update and request, when needed, the addition of new POC clinical staff. We are currently working on a Budget Change Proposal for Fiscal Year 2005/06 to improve the clinician ratio, approve an augmentation to the existing psychiatric medication budget and additional facility operation space. These proposed program improvements will require approval by the Administration.

Additional improvements include the acquisition of inpatient beds for parolees in need of crisis intervention, connectivity of existing departmental mental health network databases and a streamlined process to secure Medi-Cal benefits accessible the day of release. The Department is currently working on the aforementioned activities to improve the continuity of care for the mentally ill from prison to parole.

How are services being provided for inmates who have a dual diagnosis?

Currently, mentally ill inmates classified as CCCMS and dually diagnosed with substance abuse issues are eligible for services from the Department's Substance Abuse Programs (SAP) located within various institutions statewide. Upon release from the institution, the CCCMS parolee is provided with both substance abuse treatment options, from a variety of contracted programs in the community and mental health treatment from the Department's POC's.

However, EOP inmates are not currently eligible to be treated in the SAP's throughout the state and are generally, if dually diagnosed, referred to substance abuse providers upon release from the institution. Identified EOP's receive mental health treatment upon release as part of the MHSCP.

How is the Department coordinating with the Department of Developmental Services and Regional Centers to provide assistance to parolees who are developmentally disabled?

The Department has a process that screens for low cognitive functioning and adaptive deficits in inmates in the correctional setting and places them accordingly in the Developmental Disability Program. Furthermore, the department has embarked on an early identification process for those inmates who may have been a prior client of the Regional Centers for purposes of reconnection upon release and initial identification of inmates and parolees who may meet the criteria for an assessment for eligibility of services.

In addition, the Department is participating on an Interagency Task Group comprised of key CDC, Board of Prison Terms (BPT) and Department of Developmental Services (DDS) staff. The purpose is to develop an Interagency Agreement (IA). The goal of the IA is to identify and provide appropriate services for inmates and parolees who are eligible to receive services from the Regional Center. Although CDC staff currently refers eligible inmates and parolees to Regional Centers, the IA is expected to formalize a streamlined process for referrals. Additional areas CDC and DDS are addressing are:

- Providing early identification and referral of inmates and parolees who are known Regional Center clients or who have had some sort of prior assessments.
- Providing the identification and referral of inmates and parolees who meet the criteria for Regional Center assessment for eligibility.
- Identifying DDS/Regional Center and CDC responsibilities in coordinating the development of an Individual Program Plan (IPP) for identified Regional Center clients.
- Developing a protocol for pre-release planning for inmates who are eligible to receive Regional Center services upon parole.

- Developing a protocol for post-release coordination between Regional Center's and P&CSD for the provision of services and support.
- Developing and conducting joint training to implement and maintain the IA.

**SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

PAROLE ISSUES

32. In life parole consideration hearings, the BPT relies upon psychological evaluations of the inmates that are conducted by CDC staff. In many instances, at the time of the hearing, it may be discovered that the evaluations are outdated. It is wasteful of time and tax dollars, as well as unfair to the inmate, to convene a parole hearing and then determine that a new psychological evaluation is needed because the one in the file is too old. The inmate receives a denial of one year or more just so a new evaluation can be conducted. What is the policy with regard to conducting psychological evaluations and what can CDC and BPT do to address this issue?

CDC's current policy (in effect since 1998) is that CDC will do one full psychological evaluation on each lifer inmate eligible for a parole consideration hearing. Once a full psychological evaluation is completed, abbreviated addendum reports for subsequent or progress life term consideration hearings shall only be requested by the BPT for the following reasons:

- If an inmate is receiving treatment within the Mental Health Services Delivery System a brief summary of the inmate's current mental health status and treatment progress shall be provided.
- When the BPT hearing panel believes there has been a substantial change in an inmate's mental status from the initial evaluation or a specific issue needs elaboration. In these cases, the referring panel is to clearly delineate the basis of this conclusion and the issue to be specifically addressed in the abbreviated subsequent evaluation.

In an effort to solve the lifer evaluation production problem CDC is developing a process that clearly articulates the specific psychiatric information that is required for future life term consideration hearings. This process has been accepted by the BPT, and the final version is being prepared for use. The document re-states CDC's lifer psychological evaluation policy and gives direction to BPT commissioners as to how to request specific lifer psychological evaluation updates.

CDC is also working with the Administration to identify the clinical resources that will be available to prepare these evaluations timely and consistently.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

OTHER ISSUES

33. Please provide an overview of the state of the use of technology in the Department. What systems are in place to track inmate movement, classification and housing, medical needs and records, including prescription medication, educational and vocational needs/accomplishments, etc. What is the timetable for technology upgrades or expansions?

Status of CDC Information Technology (IT)

Information technology facilitates the achievement of departmental goals by designing, developing, operating, and maintaining critical information systems for CDC. Automation has become a crucial component in the effective management of the Department's inmate and parolee populations and its business enterprises. The size, complexity and number of automation efforts within CDC reflect the Department's diverse programs, geographic disparity, and unique public safety mission.

CDC's information technology does not adequately support the management of CDC's programs. Improvements in CDC information systems are underway to bring modern business practices to CDC institutions and parole offices.

CDC's existing information systems were developed using programming languages and techniques of a generation ago. Developed piecemeal over the past 25 years, they contain redundant, and sometimes conflicting, information. Built in silos in response to specific business needs, they do not represent an enterprise view of CDC's business. Consequently, these systems do not interoperate effectively. CDC has initiated several projects that will provide enterprise systems that will enable the collection, sharing, and reporting of data across the Department.

Existing Systems

CDC has implemented three major information systems to serve the needs of CDC institutions and parole supervision.

1. Offender Based Information System (OBIS)

OBIS was the first departmentwide information system implemented by CDC. OBIS is the primary system used for maintaining offender sentence, location, and time collection information. The system was originally designed and implemented in the late 1970s. OBIS runs at the Stephen P. Teale Data Center (TDC). Staff at CDC institutions throughout the state access and update OBIS using computer terminals. Additional OBIS processing and management reporting are accomplished at CDC Central Office. Inmate population projections are still based on information maintained in OBIS.

Movements of all offenders under CDC jurisdiction are recorded in OBIS, including admissions, returns, institution/parole transfers in/out, discharges, escapes, paroles, temporary releases, status changes, and changes in county of residence.

2. Distributed Data Processing System (DDPS)

With its implementation in 1985, DDPS became the primary system used by custody and program staff in the institutions for custody-related offender information. The DDPS runs on minicomputers at each institution, connected to a computer at CDC Central Office via a Wide Area Network (WAN). The minicomputer at each institution supports a local database of information related to offenders incarcerated at that institution. Statewide reporting of DDPS information is accomplished at CDC Central Office.

The DDPS contains inmate descriptive and location (institution, housing, and bed cell number) information. The DDPS assists institution staff with inmate counts and is used within each institution to track inmate location.

The DDPS also captures results of inmate classification hearings, records the inmate's privilege group, and contains descriptors critical to other functional areas of the facility. An inmate's privilege group determines the inmate's eligibility for canteen draw, visiting, job assignments, and other activities.

For statewide management, an ancillary system, the Classification Tracking System, is used to alert CDC management to the constantly changing demographics of the inmate population and assist in determining future placement needs for the total inmate population.

3. Interim Parolee Tracking System/Statewide Parolee Database (IPTS/SPDB)

The IPTS/SPDB, implemented in 1992, is the primary tool provided to CDC parole agents to manage their caseloads. Parole agents use IPTS/SPDB to gather and maintain parolee information (such as physical description, residence, address, associations, employment, vehicles, parole violations, conditions of parole, parole agent, etc.), and use this information to ensure public safety by providing close and

proper parolee supervision. Parole agent supervisors use IPTS/SPDB to ensure that parole agent workload is appropriately balanced, parolee information is accurately recorded and stored, and statistical data is compiled for audits and reviews. Information from 73 servers at 211 parole offices is aggregated at CDC Central Office in the SPDB.

Information from the SPDB is provided to local law enforcement through the Parole LEADS system and the Department of Justice Supervised Release File.

The IPTS also provides the essential data for the Revocation Scheduling and Tracking System (RSTS). Together with the Board of Prison Terms, CDC developed RSTS to ensure that parole violators are removed from the community within legal time frames.

Due to the limited functionality of CDC's legacy systems and the difficulty of modifying them to meet evolving program needs, numerous ancillary systems have grown up around the three primary statewide systems. Some of these ancillary systems support job functions and management in the areas of Health Care Services and Inmate Education and Vocational Training.

Health Care Records and Pharmacy Systems

Although CDC strives to provide quality health care for over 160,000 inmates and over 114,000 parolees, no comprehensive, statewide health care information management system has been implemented to support health care services throughout CDC. In response to the Madrid court decision, a Madrid Patient Information Management System (MPIMS) is currently being installed at Pelican Bay State Prison. Although MPIMS will greatly improve IT support for health care scheduling and patient records, it is limited to Pelican Bay State Prison.

The DDPS has been minimally modified to include a medical (TB, HIV, and Hepatitis) alert indicator and an indicator of the status of an inmate's mental health. The Clark Developmentally Disabled Tracking System (CDDATS) was added to the DDPS and tracks the four stage assessment of an inmate's capacity to function within the institution environment. CDDATS supports compliance with the *Clark* court decision. Other PC-based systems support mental health screening and tracking and critical case management.

The Pharmacy Prescription Tracking System (PPTS) provides pharmacy services for inmate patients in conjunction with outpatient and inpatient services. The PPTS tracks medication histories, supports some clinical screening (e.g., drug/allergy interactions) and provides rudimentary usage reporting. Although prescriptions are entered into the PPTS and labels for medication are automatically created and printed, CDC institutions do not have automated dispensing equipment. Additional functions of the PPTS include a limited inventory, a database of approved drugs (formulary maintenance), and limited management reporting.

The PPTS operates within individual institutions and does not enable statewide management of pharmacy operations or drug procurements. In response to Bureau of State Audits findings, CDC is exploring procurement of a statewide pharmacy system.

The Transitional Case Management Program (TCMP) tracks two different types of inmates/parolees:

- TCMP for the Mentally Ill (TCMP-MI): Provides support services that include prerelease needs assessments, benefits eligibility, and application assistance to inmates 90 and 30 days prior to release from the institution.
- TCMP for HIV/AIDS (TCMP-HIV): Provides support services, benefits counseling, and general aid to parolees who have been diagnosed as having Human Immunodeficiency Virus (HIV) and/or Acquired Immune Deficiency Syndrome (AIDS). Services provided at 90, 60, and 30 days prior to release and up to 90 days post release from the institution.

Inmate Education and Vocational Training

Personal computers are used at CDC institutions to maintain databases to monitor funds, to monitor inventories and training equipment, and to monitor teaching credential expiration dates and leave time usage. Inmate information is also maintained in PC databases. Inmate reading and grade point levels are tracked, as are program assignments, length of time spent in a program, and attendance.

The Education and Inmate Programs Unit at CDC Central Office uses PC-based IT to track key measures of institution education and vocational training programs.

Current and Future Actions to Improve CDC IT

CDC is working toward enterprise solutions that will enable the program areas to collect, share, and report information across the Department. Several projects have been completed or will be completed shortly. Other projects are currently underway at various stages in the development life cycle.

- Workgroup Computing Institution Local Area Network Support (WCILS)

This effort provides data communications infrastructure and office automation software and hardware to enable data communications via electronic mail among all the CDC locations and Central Office. This includes the 27 institutions that previously lacked LAN infrastructure. This data communications infrastructure is a prerequisite to all other CDC statewide IT initiatives. Installation has been completed at all institutions except the California Rehabilitation Center (CRC). CRC will be completed by the end of May 2004.

- DDPS Hardware/Software Replacement Project

New system servers have been installed at all institutions and all DDPS applications have been migrated to the new server environment except the Automated Canteen Sales and Inventory System. Implementation of the new servers at Central Office is scheduled to be completed by the end of May, 2004.

- CalParole Tracking System

This project replaces the IPTS and the SPDB, which will be desupported by both hardware and database management system vendors by the end of December 2006. CalParole eliminates data redundancy and improves accuracy and timeliness by centralizing the database at TDC and allowing field offices access through the CDC WAN. Implementation is scheduled for June 2005.

- Business Information System (BIS)

A Business Information System (BIS) that will effectively support common business functions like financial management, human resource management, purchasing, contracts, asset management and facilities management. BIS will streamline, automate and integrate the financial, human resources, procurement/contracts, facility operations, staff training and asset management reporting and standardization of the CDC's fiscal and human resources on a statewide basis. The enterprise resource management capabilities of BIS will provide CDC with the tools and information to centrally manage all financial information which will help restore CDC to a sound fiscal position.

- Inmate Restitution and Banking Canteen System (IRBCS)

This new system will consolidate three separate systems and provided upgraded functionality for banking services, monitor restitution collections, and offer canteen services for inmates according to Penal Code guidelines. Currently, the project team is preparing the procurement documents to hire the Technical Project Manager, who will lead the team in defining the system requirements in preparation for completing a Request for Proposal solicitation document.

- Strategic Offender Management System (SOMS)

This system will ultimately replace several legacy and tactical systems. It will consolidate the functionality of the existing inmate systems, parole systems and health care systems into a single integrated solution with an enterprise database. This enterprise database will allow the movement of an offender from one location to another and the associated data will be electronically available immediately. The system will standardize the business practices of the Department and will eliminate any variances in practices

from location to location. It will provide a uniform and consistent interface for the public when they interact with the Department.

Currently, CDC is in the process of hiring key staff to work on the SOMS project. This team will initially develop the feasibility study report, conduct the business process reengineering and complete a gap analysis.

- Inmate Education

The Department is currently implementing a bridging educational program which will utilize a distance learning method of delivery. This program will include the integration of the Arts in Corrections (AIC) into the education program. The bridging and AIC programs will be initiated upon the inmate's arrival at the institution. The integration of the AIC program will enhance the Department's ability to provide expanded educational opportunities to inmates. Under this implementation plan, inmates eligible to earn day for day, who are not currently assigned, will be given priority for assignment into the newly created educational program, a traditional academic/vocational program, an AIC program or other general work assignments. Currently, several projects are underway to enhance OBIS and DDPS to meet the needs of this program.

- Health Care Management System

The Health Care Management System will replace the aging PPTS currently used in all the institutions and incorporate existing clinical systems used in both the institutions and in the parole offices. This project will implement the pharmacy function of a system similar to the one used by the federal Department of Veterans Affairs called the Veteran's Administration Health Information Systems and Technology Architecture. The new pharmacy system will help reduce medication errors by providing doctors real time patient medical history and drug interaction warnings when prescribing medications. Doctors will enter prescriptions directly into the new system and the orders will immediately be transferred to the pharmacy to be filled.

Linked to the pharmacy system will be a CDC developed system that tracks clinical diagnosis and evaluation information called the Case Management System (CMS). This system will allow medical staff to review patient diagnosis and medications prescribed to better determine the correct drug therapy for the inmate. CDC anticipates being able to reduce medication costs by using the CMS to continually review medication prescribing practices and reducing the over use of expensive medications. As inmates move from institutions to parole, information from the CMS will be transferred to the Transitional Case Management System (TCMS). The TCMS performs a similar function to the CMS but deals with offenders while on parole. The movement of inmate information from the CMS will reduce the staff time required to keep the TCMS updated.

A proof of concept is expected to be implemented on July 1, 2004, at the California Medical Facility in Vacaville, California. The information obtained in the proof of concept will provide the foundation to begin a pilot with two more institutions to be followed by statewide implementation. The project is expected to be completed by the end of 2006.

- Electronic Palm Printing and Fingerprinting Project

This project automates manual inmate printing processes now employed by CDC. It captures and transmits inmate palm prints and preregistration fingerprints to the Department of Justice (DOJ) electronically. The CDC has completed the installation of the palm scanners, upgraded software on the workstations, and increased bandwidth between CDC and DOJ for high traffic sites. In addition, DOJ is currently enhancing their application, which once completed CDC will implement at all locations.

- Legal Affairs Division/Information Management System--PROLAW

This project is a case and document management software specifically designed and intended to track all cases and assignments being handled in the Division. Approximately 8 different database tracking systems currently maintained by the Division will eventually be consolidated into PROLAW. The software is also designed to allow staff to create and/or store documents relevant to a particular assignment for later retrieval. The software also has a research capability, allowing staff to search for documents containing research and opinions prepared in earlier matters to provide efficiencies in responding to future assignments. Finally, the software is intended to provide for more detailed case reporting, especially with regard to the fiscal aspects of Division managed litigation. The software is currently being implemented in phases within the Division. Complete implementation is anticipated for Fall 2004.

- RSTS – Valdivia

Valdivia, a class action lawsuit filed in 1994 on behalf of parolees and prisoners, alleges that California's current parole revocation process violates due process rights granted under the 14th Amendment of the United States Constitution. In part, the plaintiffs sought relief from parole revocation processes that caused parolees to be held in custody for long periods of time without a preliminary hearing on probable cause or timely revocation. On March 8, 2004, a permanent injunction was signed mandating changes to the current parole revocation process, settling the Valdivia lawsuit. The BPT and CDC are working together to establish the Valdivia Remedial Plan (VRP) to meet the mandates in the permanent injunction. The VRP requires CDC and BPT to reform and restructure parole revocation processes. RSTS will be modified to meet the new Valdivia reporting requirements. As part of this modification, existing RSTS hardware and software will be upgraded to meet current technology standards. System implementation is scheduled to begin in early 2005.

- MPIMS

This project satisfies a federal court order to implement a scheduling, tracking, and appointment system that provides for the management and control of inmate/patient appointments at the PBSP. Improve inmate/patient access to and continuity of quality health care services within mandated time frames and treatment guidelines based upon specific business rules. This system provides compliance with federal and state laws relating to provision of inmate/patient health care services as well as federal HIPAA privacy guidelines, codes and transactions guidelines, and future security guidelines. This system is scheduled for implementation in January 2005.

- Parole LEADS Enhancements

The Parole LEADS enables over 400 law enforcement agencies to directly access current parolee information over the Internet. Parole LEADS provides the capability to electronically deliver parolee photographs, fingerprints, and geographic codes. Local law enforcement agencies that rely on this system have requested many changes and enhancements, including the ability to remotely access Parole LEADS from patrol cars.

The current Parole LEADS system, written in 1997, needs updating of its software and hardware to support the requested enhancements in functionality and increased number of users associated with LEADS access from patrol cars. Some of the required system enhancements include: database upgrade; strengthened security; 24/7 availability of system and support; real-time access to parolee information; and delegated user account maintenance.

- Live Scan Electronic Fingerprint and Palm Printing Equipment Upgrade

Live Scan systems are installed in each CDC's 12 Reception Centers to electronically capture the fingerprints and palm prints of all incoming inmates. Upgrades are needed to replace aging equipment and operating systems that have reached the end of product life and will no longer be supported. The upgrade of these systems is now in the early planning stages.

- Inmate ID Card System

Currently, four Reception Centers and 13 mainline institutions utilize digital camera systems to create inmate ID cards. The remaining 19 institutions and 8 Reception Centers utilize either Polaroid or 35mm cameras to take inmate photos and create laminated ID cards. Due to the security risks involved with the laminated ID cards and the high costs of supplies required for using Polaroid or 35mm cameras, the CDC intends to replace these cameras with digital ID camera systems in the 19 mainline institutions

and 8 Reception Centers. This will allow CDC to create inmate ID cards that cannot be manipulated, and it will save CDC approximately \$545,000 in ongoing operating expenses. Currently, the project is in the planning and initiation phase.

- Case Management System

As part of the Madrid Remedial Plan, CDC is implementing a Case Management System in the Office of Investigative Services, Legal Affairs Division, the four Parole Regions, and the Investigative Services Units in the Institutions. In addition to and outside the scope of the Madrid Remedial Plan, CDC will implement this system in Personnel, Labor Relations, Office of Civil Rights, and the Law Enforcement and Investigations Unit. This system will allow the CDC to standardize and track investigations throughout the Department.

- Active Directory/Systems Management Server

Active Directory is a database that stores information about who and what is on the network, and what they are allowed to do. Active Directory provides increased security and simplifies the management of computer resources and their users. It provides a single-point of management of computer resources and users through a single consistent management interface which reduces redundancy and maintenance costs. In addition to enhanced security and simplification of management of computer resources, Active Directory offers software distribution capability that can automatically install software on users' computers based on their role. For example, spreadsheet software is given to all accountants. This software feature allows consistent application and enforcement of business policies to promote best practices that help reduce costs. This is in the first stages of implementation.

- Document Imaging

Investigate the benefits and viability of establishing a health and case record document imaging system for the storage and retrieval of CDC discharged offender commitment* and medical** records and prepare a recommendation on whether or not to move forward with a project to implement a document imaging solution. The Department has assembled a task force that is currently working on this initiative.

*Central Files stored at Departmental Archives (550,000 files) and the State Records Center (1974 – 1984).

** Medical Files stored at Departmental Archives (245,000 files).

- California Attorney General's Subcommittee on Criminal Justice System Integration

The System Integration Project is sponsored and funded by the California DOJ. The Attorney General's (AG) Subcommittee has project oversight authority. DOJ has contracted responsibility for the project and all deliverables to On-Target. On-Target was chosen to provide professional assistance to the subcommittee in the development of a strategic plan for statewide data sharing of criminal justice information. Using the Justice Information Exchange Model, CDC will participate in reviewing the model and identifying information sharing strategies which currently exist. The exchange of data information will be analyzed in detail to determine what information needs to be moved, when information needs to be moved, and who needs to move/receive the information. The subcommittee will explore strategies that take advantage of existing systems as well as systems being developed.

Within CDC, the Information Technology Executive Committee (ITEC) is chartered to guide and provide continuous executive oversight of CDC IT. ITEC is responsible for outlining CDC's strategic direction for IT.

Externally, I will work with State IT oversight agencies to fully define IT initiatives that will modernize CDC IT and reengineer business processes.

The need for Integrated Justice Systems – the seamless sharing of information among all levels of law enforcement, the courts and corrections - is increasingly recognized throughout the criminal justice community. Together, the executive actions and IT initiatives described above would improve CDC operations and position CDC to actively participate in Integrated Justice solutions.

**CALIFORNIA DEPARTMENT OF CORRECTIONS
SENATE RULES COMMITTEE'S
REQUEST FOR INFORMATION
FOR DIRECTOR'S CONFIRMATION HEARING**

Other Issues

34. Please provide a summary of the number and types of legal complaints pending against the Department. Are you or your senior management staff alleged to have directly engaged in conduct that precipitated the plaintiff's complaint?

The California Department of Corrections has pending or on appeal approximately:

112 employment lawsuits. (Details attached in Table 1)

In the majority of cases, neither my senior management staff nor I are alleged to have directly engaged in conduct that precipitated the plaintiff's complaint.¹ Exceptions that I am aware of are:

Alan Ashenfarb v. CDC, et al., a religious discrimination suit, in which I am named in my former capacity as Warden of San Quentin. Plaintiff alleges that an investigation of an incident in which he was involved, was instigated because of his religion. Litigation counsel advises that plaintiff believes he was "harassed" during the course of the investigation, by my not telling him that his union representative, who assisted him in the course of the investigation, was under investigation himself. He also alleges discrimination against him based on the fact that the prison has decorated rooms and served special foods in honor of some religious holidays, but has failed to serve special foods in honor of holidays related to his religion. I deny these allegations. Trial is scheduled for October, 2004.

With respect to all matters in litigation, I have been advised by my counsel not to elaborate, so as not to compromise the defense.

10 inmate/parolee major class action lawsuits. (Details attached in Table 2)

2371 individual inmate/parolee lawsuits. (Details attached in Table 3)

¹ For purposes of these responses, "senior staff management" refers to Chief Deputy Director of Operations John Dovey, Chief Deputy Director of Support Services Ernest Van Sant, Deputy Director of Institutions Division Cheryl Piler and Deputy Director of Parole and Community Services Division Richard Rimmer.

718 habeas corpus petitions. (Details attached in Table 4)

In the inmate/parolee lawsuits and petitions for habeas corpus, to the extent that my senior management staff and/or I have been named, we are sued in our official capacities, as Director, Chief Deputy Director, Deputy Director or (former) Warden. By virtue of the positions that we hold, we are alleged to have permitted (knowingly or tacitly) the alleged conduct of those in our chain of command, or to have promulgated or enforced policies the plaintiff wishes to challenge.

20 business lawsuits (Contract, construction, Joint Venture, etc.)

5 suits for reimbursement of employee civil and/or criminal defense costs.

Table 1

112 employment lawsuits. The employment lawsuits can be roughly categorized as alleging the following at the primary theory of liability:

Primary Legal Theory	Number of Pending Suits
Discrimination	41 (secondary theory in an additional 12)
Sexual Harassment	24
Retaliation	16 (secondary theory in an additional 43)
Civil Rights	8
Miscellaneous	23

Table 2

10 inmate/parolee major class action lawsuits. They are as follows:

Case Name	Primary Legal Theory
<i>Plata v. Schwarzenegger</i>	Medical Care
<i>Valdivia v. Schwarzenegger</i>	Parole Revocation
<i>Armstrong v. Schwarzenegger</i>	Americans with Disabilities Act
<i>Clark v. Schwarzenegger</i>	Developmental Disabilities
<i>Coleman v. Schwarzenegger</i>	Mental Health
<i>Budd v. Schwarzenegger</i>	Medical Facility Licensing
<i>Gilmore v. State of California</i>	Law Library/Access to Court
<i>Francis v. State of California</i>	Inmate Accounts
<i>Madrid v. Woodford</i>	Pelican Bay State Prison – Use of Force and Medical Care
<i>Johnson v. Woodford</i>	Barbering Practices

All but *Jonhson v. Woodford* and *Francis v. State of California* are in the compliance phase of the litigation.

Table 3

Other Issues, Question # 34

2371 individual inmate/parolee lawsuits. The inmate suits are predominately brought in pro per (the inmate plaintiff is not represented by counsel). The suits can be roughly categorized as alleging the following as the primary theory of liability:

Primary Legal Theory	Number of Pending Suits
Medical Care/Mental Health	562 (secondary theory in an additional 154)
Due Process	399
Use of Force	320 (secondary theory in an additional 46)
Failure to Protect	227
Conditions of Confinement	180
First Amendment	178
Tort	105
Americans with Disabilities Act	54
Equal Protection	39
Fourth Amendment	20
Staff Misconduct	20
All others	276

Table 4

718 habeas corpus petitions. As with the individual inmate lawsuits, the habeas corpus petitions are primarily brought in pro per (the inmate petitioner is not represented by counsel). The petitions can be roughly categorized as challenging the following primary issues:

Primary Legal Theory	Number of Pending Petitions
Medical/Dental	132
Due Process	130
Disciplinary Process	126
Credits	76
Inmate Appeals	68
Parole	50
Property/Finances	50
Visitation	36
Mail	28
Failure to Protect	20
Access to Court	20

YOUTH AND ADULT CORRECTIONAL AGENCY

1515 K Street
Sacramento, CA 95814
(916) 323-6001/FAX (916) 442-2637



May 26, 2004

The Honorable John Burton, Chair
Senate Committee on Rules
State Capitol, Room 400
Sacramento, CA 95814

Dear Senator Burton:

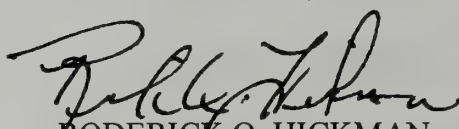
Thank you for the opportunity to respond to your questions that were provided to me in preparation for my confirmation hearing before the Senate Rules Committee on June 16, 2004. Enclosed are my responses. I look forward to the opportunity to address these issues, in addition to any other topics of importance to the Committee, during my presentation to you at that time.

As you know, since the first day of my arrival at the Youth and Adult Correctional Agency, we have been extremely busy dealing with a multitude of issues regarding our adult and juvenile correctional system. In fact, on my first day, I was responsible for signing a settlement agreement on the *Valdivia* court case, which will provide increased due process protections for parolees under the jurisdiction of the Department of Corrections. Since that time, our Agency has taken action on several other issues of vital importance, which I will highlight during my testimony at the hearing.

During my tenure as Agency Secretary, I will be very deeply involved in those policy and operational issues that I believe must be addressed in order to strengthen our commitment to improving public safety. As these issues arise, our Agency will work collaboratively with those key stakeholders, including the Legislature, who play an important role in formulating public policy.

Again, thank you for the opportunity to address these issues. I look forward to a mutual working relationship with you and all members of the Legislature. Should you have any additional questions or concerns, please do not hesitate to contact me. I can be reached at 323-6004.

Continued Success,


RODERICK Q. HICKMAN
Secretary

Youth and Adult Correctional Agency

Enclosure

Questions
Secretary, Youth and Adult Correctional Agency

The Youth and Adult Correctional Agency (YACA) is responsible for overseeing and coordinating the activities of the California Department of Corrections (CDC); the California Youth Authority (CYA); the Youth Authority Board (YAB), formerly known as the Youthful Offender Parole Board (YOPB); the Board of Prison Terms (BPT); and the Board of Corrections (BOC).

General Questions

1. **Please provide us with a brief statement of goals. What do you hope to accomplish in the short-term and the long-term during your service as Secretary? Do you have a "master plan" for YACA that you would consider sharing with the Committee?**

As Secretary of YACA, I have a vision of an Agency that transforms itself into a model of principled leadership, where all staff strive to exceed expectations to provide safe institutions and communities; to ensure that offenders are successfully reintegrated into the communities; to hold offenders accountable for the harm they have caused their victims; and to work collaboratively with all levels of government and communities to stop the current spiral of reoffending and victimization.

YACA will be the leader of a collaboration that provides quality services from the time of arrest to successful reintegration back society and to end the tragic effect of crime, violence, and victimization on our communities.

My short-term goals (one year) are regaining the reputation of YACA being recognized nationally for having broken from its "past," by pursuing researched/evidence-based practices, new organizational structures, systems and processes, and organizational transparency. We will have moral and principled leadership.

Improved Offender Services and Supervision.

Another goal is to receive positive acknowledgement from key opinion leaders on movement in the "right direction." Opinion leaders include: Legislators, academics, the courts, and the media. We will begin to have safe communities through offender preparation, parolee success, and organizational and community accountability.

Employee Well Being.

We will provide improved safety and employee health. We will establish appropriate measures, data collection, and methodology for reporting: job satisfaction; recognition, emotional status; operational impacts; life-long learning achievements; and work-life balance. Our workforce is a valued investment; we must support training and develop a healthy workforce and working environment.

Management Systems.

Our goal will be to conduct internal audits to develop baseline data designed to promote accountability in areas such as: Fiscal Integrity (i.e., position control, prison budget allotments, overtime); Human Resource Integrity (i.e., application of employee discipline, sick-leave use, and retaliation complaints); Information Integrity and Transparency (i.e., Management Information Systems). These audits and processes, which we will design, will determine our methods of measurement, data collection, and communication of information.

Crime Victims.

We will develop strong working relationships with key victim service organizations, both community-based and within the justice system; review existing policies, procedures, and practices of YACA Boards and Departments related to victim assistance; strengthening partnerships with crime victims, and identifying the necessary resources needed by YACA to improve our system.

Presently, the Agency is undergoing a Strategic Planning Process (SPP). There are numerous goals and objectives outlined throughout this document. At present, without having the benefit of the SPP, I cannot provide a Master Plan to the Committee. The planning process will begin to clarify specific goals, objectives, and timeframes as we continue the process towards a comprehensive strategic plan for YACA.

2. What is your overall philosophy about operating a penal system? In your view, what is the appropriate role of incarceration?

One of the fundamental roles of government is to protect and maintain public safety. Society places their trust in us to ensure that prisoners, both adults and minors, are held accountable for their crimes. However, penal systems and the staff work therein, also play an important role in treating, educating, training, and encouraging offenders to become more productive citizens upon release. The overwhelming majority of adults and minors are released back into society and it is imperative for us to ensure that they have adequate tools to succeed once they return to their communities. Therefore, along with incapacitation, it is important for our systems to have vital services, such as education and vocational training, drug treatment, and in-prison employment, vocational training, and effective and supportive parole services, followed by a mechanism to continuously measure our programs against community safety and parole success.

Operating an institution with a penal system is akin to managing a small city. California's institutions are self-contained institutions that include all the services needed to provide incarceration, treatment, and care of inmates around the clock, every day of the year. In addition to the provisions and services that most people are familiar with, such as towers, cell blocks and dining rooms, we also operate several services not widely known, such as separate fire stations and waste water treatment plants. All staff at our institutions, from the Warden/Superintendent through our

rank-and-file employees, plays a vital role in the safe operation of the institution. The fact that California's prison system has operated for many years in what I would characterize with significant overcrowding and fiscal challenges with few major disruptions or major disturbances is a credit to the secure physical plants, appropriate classification of offenders and **excellent staff**.

3. **At a time when state government is being held accountable for measurable results, please identify the five most important performance and outcome measures that the Legislature should use in evaluating CYA and CDC. For each of these measures, please provide any specific plans that will result in identifiable improvements over the next three years.**

As Agency Secretary, my goal will be to provide systematic oversight to the operations of all Boards and Departments under my control. Under my leadership, Agency will be more proactive, hands-on, and responsive to their needs, along with ensuring that each is operating in a manner that benefits the State. In terms of performance and outcome measures, I have divided them into numerous areas that I believe are important, and have included examples of measurements that will assist in tracking both short- and long-term improvements.

Fiscal Accountability.

One of the most significant challenges I faced when becoming Agency Secretary was the long-term deficits and cost overruns that the CDC had accumulated. From a budgetary standpoint, our first major effort at Agency was to reconcile positions to budget authority, to establish appropriate allotments, and to establish a system to maintain accountability.

Offender Services.

As stated above, auditing and evaluating offender services is a priority. We must have programs that provide educational opportunities and skills that are proven to achieve parole success and community safety. We must also deliver health care services that meet appropriate standards. This can be measured by successful compliance with court mandates, resolution of Corrective Action Plans, to review ongoing quality improvement efforts, and to develop audit tools to evaluate the effectiveness of access to care, to professional judgment, and to continuity of care.

Organization/Leader Integrity.

We must have a system in place to ensure that this organization is transparent and accountable to all stakeholders. A measure of this will be compliance with the *Madrid* court agreements of Post Powers. Specifically, we must dismantle the culture that allows a "code of silence" to exist. YACA must create an environment where all stakeholders know we can be trusted and are trustworthy. This will be measured as earlier stated by feedback from the Legislators, the media, and the courts, as well as other important stakeholders.

Court Mandates.

We must ensure that all Boards and Departments within YACA meet requirements set forth by the court and comply with constitutional standards. In conjunction with existing court monitors and Special Masters, we will monitor our compliance and ensure that managers, supervisors, and rank-and-file staff adhere to mandated requirements.

Population Management.

We will measure our effectiveness in managing our inmate population, which will include efforts at improving our operations between counties and the State aimed at expediting reception center processing. We will evaluate our housing decisions and housing needs with the goal of providing safe living conditions for offenders coupled with the utilization of taxpayer resources in the most prudent way.

4. **New retirement eligibility beginning in January 2006 will result in the departure of many senior staff at CDC and CYA. What attention is being given to this problem?**

With the implementation of new Unit 6 retirement eligibility provisions (3 percent at 50) that will take effect in January 2006, I fully anticipate the departure of many senior peace officer staff from throughout Agency. Based on the size and composition of the CDC and CYA workforce, I believe the retirement provisions will have the greatest impact on these two Departments. (The Board of Prison Terms will also be impacted in a similar manner, but it is a much smaller organization.) In preparation for the anticipated retirements beginning in January 2006, both Departments have begun to identify staff that will be eligible to retire in that calendar year, as well as their classification and their respective areas of responsibility. This preparatory work will provide Agency and the Departments with advance information on the programmatic areas and levels of the organization that will be most effected, and the skill sets that will be needed to replace those individuals.

As previously stated, Agency has begun a Strategic Planning Process, which will provide a mechanism for continual evaluation, assessment of human resource needs, and expansion of training opportunities for future managers and leaders Agency wide. Retirement enhancement is not the only issue causing staffing challenges for this Agency. The organization is currently experiencing significant shortages in numerous areas of health care. All of our staffing needs must be addressed in a more systematic manner, and we will design such processes.

To enhance these efforts, I am also pursuing the services of established organizations, such as the National Institute of Corrections (NIC), which can assist Agency by providing management and specialized technical training.

5. Relatively little formal management and leadership training exists currently at CDC and CYA. In your view, what need exists for this kind of training and what are your plans for implementing it?

As my vision statement reflects, I intend for this Agency to be the leader of a collaborative effort. Many agencies face the same challenges that we do. I believe that staff development like other challenges can be addressed through collaboration with the public, the private, and the social sectors. Organizational leadership is a challenge in all sectors of our society. We cannot allow ourselves to think that we can resolve it through taxpayer resources only; we must collaborate effectively to lead this organization, this State, and our nation.

The development of leadership and management skills is an ongoing process. As a result, I believe that formal management and leadership training, as well as other types of training such as a command college, should exist as a core part of our ongoing operations much like the Commission on Peace Officer Standards and Training (CPOST) and the Board of Corrections Standards and Training Program for Corrections (STC) have established for local government peace officers. The need for this type of training is particularly acute at this time due to the numerous challenges Agency is facing, coupled with the near term retirements of large numbers of key staff.

To enhance the framework of the Departments' management training programs and to establish an Agency wide training focus, I plan to utilize the services of both State and national level training experts and organizations. Among those who have already begun to assist me in establishing excellence in the workforce and a sound management structure are the Leader to Leader Institute (formerly known as the Peter F. Drucker Foundation), which works to develop leaders in the nonprofit sector; the California State Teachers' Retirement System, which offers a Leadership Challenge Program to provide participants with an avenue to gain greater perspectives on leadership; and the NIC, which provides training, on-site technical assistance, information, and policy/program development support to correctional agencies and to professionals. It is worth noting that in April 2004 I convened a meeting, facilitated by Dr. Alan Glassman, California State University Northridge, of Agency, Department, and Board executives, along with representatives from various non-correctional organizations including the Leader to Leader Institute, the International Youth Foundation, the Community Anti-Drugs Coalitions of America, and Delancy Street, where we discussed YACA's vision and how we should approach the changing correctional environment. Among other things, this Planning Session allowed me to gather diverse perspectives on the challenges and the opportunities the Agency faces; to coordinate and to collaborate with non-traditional partners to accomplish our goals and objectives; to discuss the strategic advantage that can be gained through the development of our leaders; and to address our organizational development and change in culture, performance, leadership, and retention.

Through the utilization of these and the wide array of other staff and management resources and relationships, I will have the Departments and Boards put a program in place that provides training opportunities for the widest possible range of staff to acquire the skills needed to successfully assume management and leadership responsibilities. Lastly, these Department and Board programs will need to have a monitoring and evaluation component designed and implemented to measure their effectiveness.

6. What types of qualifications should we be looking for when selecting a prison warden or a CYA superintendent? Where should we be recruiting wardens?

When selecting Wardens, Superintendents, or high-level administrators in any area, we should look for qualities of leadership that include honesty, integrity, self-confidence; the desire to lead, be accountable, and achieve excellence. We must have people of character. We can train them on how to do the job. I also believe that such administrators should be effective change agents, collaborators, leaders and organizers of projects and people, and synthesizers of information.

Recognizing the complexity of institutional management, these leaders must also possess job-relevant knowledge, education and training. This includes a clear understanding of the Agency and departmental mission, objectives, and values; external factors and groups that influence the larger correctional environment, including the Legislature, the budget, the media, the federal government, the courts, victims' organizations, and other external stakeholders. They must also understand the appropriate role(s) of advocacy organizations, such as offender rights groups, and the unions.

The recruitment of Wardens and Superintendents should extend to individuals who are bright, capable, and knowledgeable regarding the care, treatment, discipline, training, and education of offenders. In this regard, my search for viable candidates should extend to individuals with successful executive experience in state, federal and/or private correctional systems or law enforcement. Since the Wardens/Superintendents also direct the business and financial affairs of the institution, the individuals who fill these position should also be knowledgeable about the basic principles and practices of good public administration, and be experienced in the planning and the management of a multidisciplinary organization.

Certainly they need correctional program and law enforcement experience. They must have the knowledge and skill in fiscal management as well. But even more importantly, I believe we must have a mechanism to bring leaders from other organizations that have the qualities and character to be leaders in our correctional environment. Once identified we must insert them into the organization at the appropriate operational level to give them the opportunity to learn operations, and then elevate them to the Warden/Superintendent level when they are ready.

Budget

- 1. Please discuss your plans to address structural budget issues facing your departments and any major cost factors impacting the budget. Will your plans address institutional budget accountability?**

During the first week of my tenure, I ordered a complete review of the budgets and fiscal status of every Department and Board in Agency. CYA and Boards within Agency had some structural problems in their budgets, but were able to manage their budgets to provide mandated services within their resources; these deficiencies **will be** addressed in the budget. That review revealed that there were serious structural deficiencies in the budget of CDC, which had resulted in cost overruns for several years that were of immediate concern. As a result, in the Governor's Budget submitted in January, we corrected the structural deficiencies in the CDC budget.

At my direction, YACA worked with the Department of Finance (DOF) and required CDC to reconcile the staffing used at the institutions with their budget authority. We found profound discrepancies. Temporary help and overtime were being expended on unbudgeted activities. There were in excess of 1,000 unauthorized and unbudgeted positions. We found that some of these unbudgeted activities to be important functions necessary to run mandated programs safely, and we worked with DOF to budget those activities in the May Revise. The other unbudgeted activities, at my direction, were terminated.

Now that the structural deficiencies of the CDC budget have been addressed and the activities in the institutions have been aligned with the authorized budget, we have moved forward with DOF to construct a system of fiscal control and accountability. This system includes ongoing reconciliation of positions to budget authority, appropriate recognition of funding for emergencies and population changes, and accountability to assure budgets are not overspent. Each institution will be provided a fiscal plan that reflects the programs and activities required. The fiscal plan will include sufficient resources to accomplish the institution's mission and will reconcile to the appropriations in the budget act. The leadership of each institution, (i.e., the Warden), will be held accountable to successfully provide the required programs within the authorized resources. All YACA executives, including Wardens, will be expected to effectively manage their operation within their budget allocation. Those who are unable to do this will no longer serve in those positions-this has been made very clear inside the organization.

- 2. There are a variety of costs in YACA departments and boards driven by court order. Given our limited fiscal resources, how will you prioritize funding other needs in the departments and boards under your control?**

Many functions in YACA Departments and Boards are driven by court orders because our programs have not been sufficient to meet minimum constitutional and legislative requirements. Highest priority for funding must go to those proposals and initiatives that provide for excellent programs in the most efficient manner that

incorporate constitutional minimums and the best ideas available. We cannot afford to meet the technical requirements of these court orders by causing deficiencies in other aspects of our programs. To gain the dismissal of these lawsuits and to avoid adverse rulings in future suits, we must provide excellent programs that meet the requirements of the law and the Constitution. Parole success measurements will be devised to determine what programs will be provided to whom in the prisons. The Agency will have a research component to determine, based on evidence, which programs are effective.

- 3. In making budget reductions, how do you balance the costs and benefits of a particular practice or program? For example, what analysis did you use when deciding to reduce visiting at most prisons from four days to two days?**

The starting point for making budget reductions is a clear understanding of the program requirements in law and in the constitution. The core responsibilities and the expected outcomes must be explicit for each unit of the organization. A careful analysis of current expenditures, outcome measures, and alternatives must be made. If possible, reductions should be made that do not impair the organization's ability to successfully complete its core responsibilities. In this era of diminishing fiscal resources, we must unfortunately identify those areas that can be reduced and still meet acceptable standards. Alternatives requiring changes in law should be considered if the mandated functions do not make significant contributions to meeting the organization's mission of community safety through parole success.

The decision to reduce visiting was made by the prior administration in response to the Budget Act Section 4.10 mandated reductions. I do not know the process and criteria CDC, YACA and the previous Administration used for this decision. That said visiting is key to retaining family and community ties, ties needed upon release from prison to assist with the successful reentry of the offender on parole. Given the current budget constraints, restoring this level of visiting is not possible, but when the State's fiscal condition improves this will be one of my budget request priorities.

- 4. Do you feel that future investments in information technology are needed? If so, how will they be funded?**

Yes, I do feel that future investments, very significant investments, in Information Technology (IT) are needed. Like many other Departments in the State, CDC and CYA have been severely impacted by budget and related staffing cuts; however, CDC and CYA have only the most basic infrastructure and that is constantly at risk of failure. Both Departments have old hardware and software applications where vendor support is no longer available. Because most management and other information is not automated, CDC and CYA too often rely on antiquated manual processes. As budget cuts result in fewer staff overall, including staff to do the manual systems (that would be more cost effective if automated), the departments become progressively more ineffective managerially because the automated management information that should be available is not there

and cannot be developed with the existing resources. This means doing more with the existing staff resources will require automation of our current and future business needs. This will require a significant capital investment.

Obviously our existing IT budget will provide a small portion of funds to cover some maintenance for hardware and software as well as possible upgrades to certain areas of our infrastructure. Secondly, Phase I of the Health Care Management Project has the potential of providing a very high return on investment; therefore, having the ability to leverage funds for the next phases. We are working with other states on researching and securing Federal Homeland Security grants available for State and local agencies, which would assist in providing a more secure infrastructure for both CDC and CYA. Lastly, the larger projects we desperately need will automate many of our business practices to gain the efficiencies expected in today's business world, i.e., to do more work more quickly and more accurately. These projects will require very significant levels of additional funding.

5. **There has been discussion about making Wardens more accountable for their budgets. What is the most appropriate way to hold Wardens accountable, given that they have little control over the number of inmates sent to their institutions or most inmate health conditions?**

The Department will provide allotments to each Warden that reflect the programs and inmates that are planned for the prison-and the Warden will have time to review that allotment to determine its appropriateness before accepting it. The expected activities necessary to successfully deliver the required programs will be funded. The Warden is expected to provide the programs necessary within the resources provided.

In the event the program requirements or inmates' needs for the institution to change the resources necessary, the Warden is expected to request revision of the budget. For example, an institution may require additional staffing to provide for the larger number of inmates on lockdown status after a riot or after an infectious disease outbreak. The Department, working with DOF, will provide the funding for the unbudgeted activities if justified. If the Department believes the activities proposed by the Warden are not justified, the activities will be terminated and no additional funding will be provided.

The Warden will provide regular updates on the status of his or her budget. If unauthorized and unbudgeted activities prevent the Warden from running the institution within the budgeted resources provided, the Warden will be held accountable, as described above.

6. **In looking at the state-local government relationship regarding youth and adult corrections, can you identify several priority areas where inefficiencies increase costs to state and local taxpayers? Do you have specific recommendations to make them more cost effective?**

One area of inefficiency that I plan to address is the unnecessary duplication of effort that currently takes place when offenders are sentenced either to State prison or CYA. Offenders are often given numerous evaluations, assessments, and tests in local county facilities. Once in our system, we will duplicate some of these. In today's 21st century with the appropriate IT capability, I know that we can do a better job. One of my priorities will be to investigate the unnecessary duplication of effort and take steps to streamline and economize our processes, which will result in savings to the State as we make our prison system more effective and efficient. I have taken the first step in this direction by directing BOC to form a team made up of YACA staff, sheriffs, CDC personnel, and other experts in correctional medical examinations with the goal of using jail medical evaluations and discontinuing or reducing the medical examination effort at CDC reception centers. We will explore other reception center functions after the medical effort is completed.

In addition, I also believe it is time to explore the relationship between State and local agencies in the reunification of the offender back into the community. The overwhelming majority of offenders sent to CDC and CYA will return to the communities from which they came, so it is imperative that we work proactively with cities and counties to effectively ease and monitor their transition back into the community. For example, it does not make sense to create special state-funded programs within the community, if the community has an existing program that can service our offenders. Another area of consideration could be the transfer of responsibilities that have been historically provided by the State, if it makes sound sense from both a public safety and fiscal aspect. An example of this is the recent discussions at the Juvenile Justice Reform Taskforce, sponsored by the Governor that is explored the potential of transferring responsibility for CYA parole supervision to county government and CYA parole revocation to the Court. I believe this can be a more effective delivery model for public safety purposes and I also believe it can be done for a lesser cost via local government.

Inmate Population Management Issues

The CDC currently houses over 160,000 inmates, The CYA houses approximately 3,800 wards. The 2004-05 Budget Act includes projections for decreases in inmate population. However, CDC recently declared a state of emergency affecting several institutions based on higher than expected population increases. As the LAO has indicated, changes in inmate population will affect CDC's housing plan in the long and short term. In addition, there has been a significant and continuous decline in the number of wards in youth authority correctional facilities.

1 As Secretary of YACA, how will you address the long and short-term CDC housing needs? How overcrowded is too overcrowded?

Prison crowding refers to the extent an institution houses inmates at occupancy levels above which the facilities were originally designed (i.e., one inmate to a cell). Some of this overcrowding is based upon California's 20 years of experience with overcrowding, and the operational policies and protocols, staffing patterns and physical design that have accounted for managing overcrowding. Specialized facilities, such as those housing condemned inmates, the mentally ill, or inmates segregated from the general population due to violent behavior or gang affiliations, are not double-celled or are double-celled at a lower rate than the general population.

Providing for the housing needs of CDC's inmate population is one of my fundamental responsibilities and an ongoing challenge. CDC's official projections currently indicate that the inmate population should have decreased in the current fiscal year (FY) and should decrease more dramatically in FY 2004-05 primarily because of the implementation of our new parole strategies. However, CDC's actual inmate population is at its highest level in the Department's history-162,981 as of May 12, 2004. This is 1,511 more inmates than CDC's Spring 2004 projection for that date and over 3,300 more inmates than a year ago.

The primary reasons for this can be summarized as follows:

- Increases in new prison commitments by the courts at a higher than projected level.
- Delays in implementation of new parole programs, which were projected to reduce the number of parole violators coming to prison more quickly.

The resulting overcrowding required CDC to activate emergency beds such as triple bunks, gyms, etc. The activation or deactivation of prison capacity is driven by the overall total inmate population and by the various subcategories of inmates determined by CDC's Inmate Classification System (ICS), which prescribes the custody, the service, and the program needs of that inmate population. CDC's ICS has been in place since 1980 and has been validated and refined through reviews by the University of California (UC) System and other outside consultants on several occasions using a data base dating back over 20 years and including millions of inmate records. It is recognized nationally as one of the premier ICSs.

Overcrowding is a function of the overall population, inmate classification, and the availability to safely house each inmate in the appropriate bed and facility, and provide for their service, program, and support needs. For example, CDC has a need for far more celled and higher security beds because it has a far greater inmate population classified at these levels than beds available. This requires CDC to house inmates in a lower level than their classification dictates, which threatens the security and safety of the staff, the inmates, and the public. Therefore, the opening of Delano II next Spring, with 3,622 Level IV beds, is essential to CDC's mission because of overcrowding at the higher security levels.

To better articulate and monitor CDC's population projections, actual population increases/decreases, prison capacity, inmate classification and resulting levels of overcrowding, I have asked CDC to implement the following:

Reassess and Monitor Prison Capacity on an Ongoing Basis.

It has been several years since CDC has conducted a comprehensive definition of its bed capacity for the many inmate populations requiring differing security, program and service levels and the levels of overcrowding each of these can safely accommodate. I have asked that this be done and that the assumptions be clearly articulated and shared with all stakeholders. In addition, I have asked that this prison capacity data base be kept current by constantly monitoring to add or delete beds or change bed categories based on changing policy, litigation, budget, staffing, inmate classification, security or program needs, plant maintenance, and/or other factors.

State and Local Coordination on Correctional Populations.

I have asked BOC to initiate an ongoing periodic forum in which key State and local correctional, law enforcement, and judicial practitioners share data, trends, practices, activities, initiatives and other information that would better enable State and local correctional agencies identify issues that will affect their mutual responsibility for the full spectrum of correctional population management.

Ongoing Reporting on Inmate Population Changes.

I have asked CDC to provide a regular report on CDC's inmate population and changes associated with that population compared to their projections. This will focus on inmate classification, prison bed capacity by classification and service need, new commitments, parole violators, and bed shortages/surpluses by classification or service need. This will include a report on parole violators and new commitments, and their past and present trends compared to the population projections. In addition, I have asked that they report in the same document, the progress made in implementing all new parole programs and, once implemented, the percent of program utilization. Much of this information is currently available, but not reported in a consolidated summary format for executive use.

2. **The Youth Authority consolidation plan calls for the closure of up to three facilities. Do you believe additional facilities could be closed and what impact will any additional closures have on the ward population?**

By June 30, 2004, CYA will have closed 4 institutions and 1 camp in direct response to population declines. Current CYA population projections anticipate further population declines in FY 2004-05 from about 4,200 wards to 3,800 wards. However, I have decided to postpone any further institution closures pending the finalization and court approval of the draft consent decree and the State's Remedial Plan to address the shortcomings identified in CYA's operations as presented in the several expert reports recently released as a result of Farrell vs. Allen III. The consent decree and remedies eventually developed by the State and approved by the court may impact CYA's current capacity and/or use of the remaining facilities. I do not believe that it is wise at this stage to foreclose any options that would allow us to maximize our ability to remedy the problems at CYA.

The Use of Force and Disciplinary Issues.

1. What steps will you take to promote a culture of professionalism, accountability and fairness in the departments under YACA?

First and foremost, I believe my primary role as Agency Secretary is to set and to communicate the expectations, established in concert with the Governor's Office for every employee within the Agency. Just recently, we produced a video statement that will be shown to all employees where I clearly articulate my expectations on the subject of the "code of silence." I have also provided a written memorandum on the same subject. Finally, the Directors' of CDC and CYA have also issued written memorandums on this subject.

However, this is only the beginning. Employees will be provided with the necessary training that will instruct them on what constitutes appropriate and inappropriate conduct. Supervisors and managers will receive the same training, but also have further guidance on how our employee disciplinary system should be utilized fairly and equitably. A good example of our efforts in this area has been the creation of an "employee disciplinary matrix" that will result in consistency in determining appropriate sanctions for employee misconduct. Investigations will be conducted with the utmost integrity, paying close attention to established procedures and timelines to ensure that our disciplinary system is effective, consistent, and fair. Finally, we will continue to work to strengthen our working relationships with those outside agencies who are our partners in providing effective oversight for our system including the Office of the Inspector General (OIG), the State Personnel Board, the Attorney General's Office, and outside law enforcement agencies.

2. Please comment on the implementation of recent policy changes in the handling of internal affairs matters.

I have worked with the Director of Corrections to recruit a team of new managers to evaluate and implement needed reforms for the Office of Investigative Services (OIS) at CDC. They will also address reforms needed at the other Departments and Boards under YACA. They have developed a one-year plan for change to address the many challenges and to ensure the highest levels of integrity and quality for investigations.

The plan contains key elements that renew the Internal Affairs' mission and independent charter, establish strong management control and improve the overall operation of the OIS. This includes the critical component of enhanced training for all OIS investigators.

OIS is implementing centralized management control to ensure that all OIS employees are working toward the same goal—efficiently and effectively investigating employee misconduct in a consistent, thorough, and impartial manner. The centralized management control efforts include: surveying employees, visiting field offices, meeting monthly with supervisors and managers, analyzing existing policies and issuing new policies where needed, creating an Administrative Support

Unit (ASU) and a Special Investigations Unit (SIU), regionalizing the Workers' Compensation Fraud Investigation Unit, and creating and implementing a new case management system.

The statewide electronic Case Management System (CMS) will give employees, supervisors, and managers a powerful tool to conduct investigations efficiently, to have a real-time tool to track and to monitor investigations, and to conduct ongoing audits/reports of OIS operations. This system is a similar but more robust version of the system used by the OIG. It has the capacity to track critical dates, to generate automatic notices when deadlines near, and to provide statewide trend analysis and monitoring. It allows real-time research capability for agents, supervisors, and managers. It will also facilitate reporting case outcome statistics, such as clearance rates, aging, and prosecution rates. Finally, this version of CMS was developed with the flexibility to expand, to integrate and to absorb existing CDC disciplinary databases and systems. This includes expansion to each prison, hiring authority, Legal Affairs Division (LAD), and Personnel Management.

OIS is creating a centralized ASU to provide essential help to the OIS management team in identifying and resolving problems. Subject areas will include: researching OIS policy, procedures, and operating systems; coordinating revisions, including, management memorandums regarding various management control issues; implementing CMS; developing and implementing a self-audit plan; coordinating training; and developing management reports. The ASU will also report the disposition of employee misconduct complaints to the appropriate oversight and regulatory agencies and other interested parties as authorized by law, to provide transparency for OIS operations and investigations. It will also capture and report on the number, type, and disposition of complaints. This process will enhance the reports made available as permitted by Penal Code Section 832.7 (c) for oversight, by regulatory agencies and other interested parties.

Finally, in December 2003 OIS created a SIU to reduce the potential for conflict when investigating misconduct allegations within OIS and to optimize management control over high-profile and other sensitive investigations.

3. **What plans do you have for reducing incidents of staff misconduct and any "code of silence" that may interfere with investigations into any misconduct? How is your administration working with the Office of the Inspector General to address these issues?**

On February 17, 2004, I issued a memorandum to all YACA employees firmly establishing a policy of zero tolerance for any action or inaction that furthers a "code of silence" towards staff misconduct. I subsequently met with management from CDC and CYA to emphasize their duty to eliminate any "code of silence" in their Departments. I recognize that this cannot be a one-time event. As Secretary, I will continue to meet with senior management and review select cases in which there is an indication that staff may have engaged in a "code of silence." I have also

prepared a videotape regarding the duty of staff to report employee misconduct, which is to be played for all new cadets at the academy. The CDC Code of Ethics has been revised and distributed to indicate the duty of each employee to report misconduct and to cooperate with investigations. In addition, an organizational/cultural assessment is being conducted by the NIC, which is due to be completed by April 1, 2005.

I regularly review the development of the staff misconduct Remedial Plan being developed by CDC and the Special Master in the *Madrid* case. I will ensure that the CYA adopts all relevant provisions of that plan. The LAD of CDC is working with a management consultant to reorganize its operation in the area of employee discipline. It will also be implementing a vertical prosecution model to ensure consistency and effectiveness in employee discipline.

YACA is working with the OIG, the *Madrid* Special Master, and the OIS to design and implement the changes addressed previously and to establish the processes and protocols necessary to institutionalize real-time evaluation, reporting, and publication for transparent review.

California Youth Authority

- 1. How is the mission of CYA different from that of CDC? In your view, how *ought* it to differ? In practice, what kinds of CYA policies need to be implemented to ensure that such differences are respected?**

The most fundamental difference in the mission of CDC and CYA is that which is provided by law: CYA is required to provide rehabilitation to offenders under its care. The law states that the Department is to "...protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitations of young persons who have committed public offenses." In contrast, the law states that the purpose of imprisonment in State prison is "punishment," although it later states that the Legislature encourages the development of policies/programs aimed at rehabilitating first-time nonviolent offenders. I believe these are distinct differences, which is why youthful offenders are given an "indeterminate" term of confinement that requires them to demonstrate their readiness for parole, while State prisoners serve a "determinate" term for which they receive automatic release when their sentence is finished.

Because of CYA's unique mission, I believe that it is important for their policies and procedures to reflect differences between how we treat youthful offenders. Because CYA is responsible for rehabilitating wards, we are also responsible for ensuring they have access to education, treatment, programming and parole services to aid in their growth as members of society. Currently, the CYA is negotiating a consent decree with the Prison Law (PLO) Enforcement (see below), which will bring about changes in the services provide to our wards.

2. **There has been public discussion about consolidating, in some way, CYA with the Department of Corrections. To what extent, if any, would you support any version of consolidating CYA operations with those of CDC? Please include the pros and cons of such a move.**

As Agency Secretary, I have had the opportunity to work with the leadership of the CYA, to interact with the staff at several institutions, and listen to the employees regarding the important role they play in our juvenile justice continuum. I believe that the Department has a distinct and separate role within State government and my plan is to maintain it as a separate entity. However, I have also observed what I believe to be inefficiencies within our Agency, especially when we duplicate like functions in several different departments. For example, why would we have a separate contract to provide produce to our Herman G. Stark Youth Correctional Facility when we have a similar contract to provide produce virtually next door, at the California Institution for Men? By combining our procurement effort and increasing our contract volume, we can obtain better pricing and save money. In addition, we can reduce the number of administrative positions needed for contract monitoring and oversight. This is just one example of how we can efficiently consolidate some Agency operations.

There have also been several reports in the newspapers and the media regarding the about consolidating the CYA into CDC. As Agency Secretary, at this time I do not support such consolidation. CYA's unique mission and the approach they must take in rehabilitating offenders as described above, would make one Department with two different, primary missions awkward and possibly detrimental. In addition, CDC's prison and parole systems are substantially larger than our commensurate youthful offender population, which could result in CYA offenders not getting the necessary attention and quality services jeopardizing public safety.

3. **As you know, we are seeing a significant reduction in the CYA population, due in part to the sliding scale and M-number reforms of the past couple of years. How do you see the role, mission and operation of the CYA changing as its population diminishes? What opportunities are made available by the decrease?**

I believe that we have a unique opportunity at this time, with the continuing population decline, to be able to focus our attention on the most critical aspects of what is needed to reestablish the Department as a national leader in the area of juvenile justice. In the past eight years, we have seen the Department's population decline from an all-time high of over 10,000 wards to approximately 4,200 wards today. At the same time, we have seen a demographic shift in the types of youthful offenders sent to the Department. Compared to the last decade, our offenders are increasingly more violent and have greater mental health and substance abuse needs. The majority of our offenders belong to street gangs or are gang associates. In contrast to previous years, there are a significantly smaller percentage of "general

population" wards that only need basic core services. Therefore, I believe the future role, mission, and operation of the Department is in its provision of very specialized services to wards in need of those services.

Given the overall decline in population, we need to take advantage of the opportunity to improve our operations, through enhanced casework, improved mental health services, smaller living units, and additional educational and vocational opportunities. I plan to work closely within the Administration to address these areas that will bring about real substantive improvements in the Department. I will also direct CYA to undertake an initiative to explore new institutional designs for our youthful offender population, such as consolidated regional facilities located in strategic geographical areas.

4. **Expert reports released earlier this year depicted CYA with severe safety and treatment problems. What have you done thus far as Agency secretary to address the problems at CYA? In what ways will your approach to CYA differ from your predecessors?**

Many of the safety and treatment issues identified in the experts' reports grew from confusion at CYA as to their true mission. CYA had drifted over the years from its statutory mission of protecting public safety by providing rehabilitative programs to wards. Its population grew more violent and gang entrenched at the same that rehabilitative services were being reduced. Under my leadership and the leadership of CYA Director, Walter Allen, we are clarifying the necessity for CYA to fulfill its statutory mission.

I directed the CYA to bring in, as consultants, several former CDC employees who have been recognized by the courts and the PLO as experts in the area of violence reduction, along with the expert who wrote the corrections report in the lawsuit (see question below). As the outside experts recognized in their reports, there is simply no possibility of providing effective rehabilitative programs when wards do not feel, and are in fact not, safe. I have committed to having CYA procure a validated classification system to ensure that wards are housed and treated according to their needs. I have also directed CYA to bring in a nationally recognized psychologist to advise CYA on innovative and cost-effective approaches to providing therapeutic programs to wards.

We have instructed senior management at CYA to develop action plans to address the deficiencies identified by the experts, and they are being assisted in this effort by former CDC staff with expertise in such plans. YACA staff meets regularly with CYA to ensure that these plans are being developed and that the tasks are being accomplished as planned.

5. **What management-level changes has your Agency made at CYA since you have been Secretary? Please indicate the staff you have brought into CYA who have experience with the Department of Corrections, and describe the scope of their assignments at CYA. What juvenile justice professionals from *outside* the field of adult corrections have you enlisted or consulted regarding CYA, and what is the nature and scope of their work at CYA?**

Since becoming Secretary of YACA, I have been involved with the Governor's Office in the selection of a new Director and Chief Deputy Director of CYA. Under the guidance and leadership of Director Walter Allen (from the Department of Justice and the Bureau of Narcotics Enforcement) and Chief Deputy Director Sylvia Garcia (from CDC with prior CYA experience), we are already seeing the beginnings of overdue changes and improvements in the delivery of institutional care, treatment, and programming for our youthful offenders. Director Allen has also made several key management and appointments changes.

I firmly believe that the invaluable staff resources and expertise available within our Departments must be recognized and shared throughout the Agency, where such a need has been identified. To this end, I have further strengthened the CYA leadership team by providing them with the expertise of four former CDC administrators who were instrumental in helping CDC achieve compliance with a PLO lawsuit or who have the strong management and planning skills needed to develop the remediation plans. These four individuals now serve as CYA's Consent Decree Remediation consultants, whose job involves planning, organizing, coordinating, and evaluating CYA's response to the Farrell vs. Allen III litigation. They are Steve Cambra, Carl Larson, Gail Lewis, and Karl Kerksieck.

The juvenile justice professionals from outside the field of adult corrections that I had the CYA enlist to assist them include Joel Dvoskin, Ph.D., American Board of Professional Psychology, a forensic psychologist and national expert who has provided expert testimony and consultation in individual actions against jails, lock-ups, and prisons involving allegations of negligence or deprivation of civil rights. Dr. Dvoskin is knowledgeable of both juvenile and adult corrections, and was enlisted to review CYA's mental health treatment services. Additionally, I directed the CYA to enlist the services of the National Training and Technical Assistance Center, Office of Juvenile Justice and Delinquency Prevention, to provide a consultant with expertise in the area of suicide prevention and response to assess CYA's suicide prevention and response policies and procedures. At my direction, CYA has also retained Barry Krisberg, a national expert on juvenile correctional issues and President of the National Council on Crime and Delinquency, to assist with developing these court plans.

As the need arises, I will continue to tap the vast array of correctional resources that are available nationwide to assist me, and the YACA management team, in the administration of California's correctional programs.

- 6. What is the status of the settlement discussion in the Farrell vs. Allen III lawsuit with the Prison Law Office and, in particular, what are the outstanding issues of contention and timeframe for reaching resolution on these matters?**

The parties are in substantial agreement on all substantive and procedural issues and are finalizing a Consent Decree that will be signed by Director Allen. There is not yet agreement on how to select a Special master if one acceptable to both sides cannot be found. However, both sides remain optimistic that agreement can be reached very soon. We have agreed to remedy the deficiencies identified in the experts' reports that were released last January. The Youth Authority will work with those experts, some additional experts and the PLO to develop prompt Remedial Plans. Agency, CYA, a Special Master, the experts, and PLO will monitor implementation of those plans. The Special Master will file quarterly compliance reports with the Court, which will be public documents available to anyone who wishes to assure him or herself of the progress being made by the Youth Authority.

- 7. What is your assessment of the reforms enacted by SB 459 (Burton) in terms of how they are working and how they can be improved?**

SB 459, which consolidated YOPB into CYA, became effective on January 1, 2004. The bill transferred several administrative responsibilities to the Department, while maintaining the important public safety powers of release and revocation with the Board. I believe the most important effect of the bill has been the improved working relationship between the Department and the Board. They now work closely together in several aspects to ensure that wards are provided with the necessary treatment, care, and attention needed to return them to their communities as better citizens. Another important aspect of the bill has been the information sharing that is taking place between the Department and the local courts/probation departments, since there are several provisions that require the Department to provide initial and ongoing information to them. The bill standardized and created a fair and equitable disciplinary system for wards that was lacking prior to its passage. Finally, SB 459 provided additional due process considerations for wards to ensure that they are provided with a means to appeal case decisions.

At this time, the new policies and procedures have been in place for almost six months and we are now at a point where we can assess how the bill has been implemented and whether or not additional improvements can be made. The Department and the Board, during the month of June, will be meeting together to determine, what, if any, recommendations are appropriate.

- 8. A 2001 study by the Center on Juvenile and Criminal Justice found the recidivism rate for CYA wards was more than 90 percent. What do you believe CYA's recidivism rate is?**

The often referenced 90 percent recidivism rate did come from a study by the Center on Juvenile and Criminal Justice. They referenced an "unpublished" report by the National Institute of Justice (NIJ) in which an NIJ researcher used a special

CYA dataset that included post-release information on parolees. The 90 percent rate came from information in that data set that included all arrests and all parole violations, regardless of adjudication, conviction, or action taken by the YOPB. In other words, if a parolee missed his/her meeting with his/her parole agent and the parole agent wrote a report regarding the missed meeting that counted towards the 90 percent "recidivism".

For these reasons, CYA does not believe that this information is helpful when referring to recidivism because the most standard measurement of parole failure measures reincarceration or commitment of a new crime. CYA measures recidivism through a 24-month parole follow-up of offenders released during a specific calendar year, and includes the number of parolees who were removed from parole at or before 24 months, through revocation or discharge, while on violation status or while serving a sentence for a law violation. The 2-year parole follow-up (recidivism data) for January 2000 releases is 46.93 percent. (This does not include any parolees who discharge from parole before the 24-month parole follow-up period who subsequently commit a new crime and are reincarcerated.)

9. **Can the CYA be transformed to provide effective correctional residential treatment to reduce recidivism and increase public safety with its existing staffing qualifications, training, levels and patterns? If not what changes will you attempt to make as Agency secretary?**

I believe that we have just begun the process of transforming CYA into a provider of effective correctional residential treatment services, which will reduce recidivism and increase public safety. Under my leadership, I believe there are a number of ways to improve CYA's operational system that does not require additional funding. Some examples of these are the need to improve our leadership, our integrity, and our perseverance towards how every employee within the Department views his/her position. We need to constantly remind ourselves and our employees of the important role they play in transforming the lives of wards into productive citizens. However, other issues, such as ensuring that there are adequate resources for education, medical/mental health treatment and counseling services will most likely result in a need for additional funding. Currently, the Department is in settlement negotiations with the PLO as a result of the Farrell vs. Allen III lawsuit that could impact resource needs in many of these areas. As Agency Secretary, I believe my role will be to ensure compliance with any settlement, including the pursuit of the funding necessary.

Board of Corrections

1. **Currently, the Board of Corrections (BOC) promulgates standards for county juvenile halls, camps and ranches – standards that govern, for example, health, safety, staffing, use of force, nutrition, programming, and overcrowding. Under current law, BOC also conducts biennial inspections of these local facilities to ensure standards compliance. The Administration has proposed to make statewide standards and inspections for county juvenile justice facilities**

optional rather than mandatory, which would save about \$200,000. As of the date of this letter, the budget subcommittees in both houses have rejected this proposal. What is your view of the proper role for the state in assuring that basic standards are established and met in local juvenile facilities?

While it is widely recognized that the BOC standards development, promulgation, and maintenance process along with its inspections of local juvenile detention facilities are critical functions for local government, the massive budget shortfall faced by all state agencies and specifically the enormous General Fund reductions to the Agency this year, require us to look at innovative alternative ways to accomplish activities once provided in the General Fund. It was a difficult decision, but with the most direct benefit of the Board's standards and inspections activities being realized by the counties themselves I would suggest that they would be willing to support those activities through a fee. I believed all counties could participate assuring that California's juvenile halls would continue to be safe places for the detention of children.

2. **The Administration also has proposed to terminate the collections and distribution of key data on county juvenile facilities, which would save about \$100,000. This data is used to calculate current and future county juvenile justice facility loads and related construction needs/costs. Both the Senate and Assembly budget subcommittees have rejected this proposal. Do you believe that the California juvenile justice system can operate effectively and efficiently without basic data on the populations of county juvenile hall, camps and ranches (approximately 12,500 beds), or without information on the characteristics of confined children, conditions of confinement and alternatives to secure custody?**

The Juvenile Detention Profile Survey (JDPS) is a useful tool in accessing the current conditions of the counties juvenile halls, ranches, and camps. However, these are exceedingly difficult fiscal times and I am charged with the responsibility of having to eliminate a number of useful tools that my Agency can no longer afford to maintain. We cut funding for the JDPS knowing that there would be no statewide clearinghouse for the county information or any analysis of the data, but that data would remain available on request from the individual counties when needed.

Board of Prison Terms

1. **Under recent administrations the Board of Prison Terms was composed largely of individuals who were either family members of crime victims or former law enforcement officers. What backgrounds do you feel are appropriate for Board of Prison Terms members? How does that comport with the statutory requirements in Penal Code section 5075: "The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state."**

As stated in your question, the composition of members of the BPT must reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the State. In concert with this requirement, I believe that members ideally should have backgrounds that demonstrate a complete and thorough knowledge of the criminal justice system, rather than an individual perspective, and a sensitivity to the human dynamics that operate within that system. In other words, an individual who understands how all facets of the justice system works and who understands its impact on those hurt by crime, the offenders, and the families of both offenders and victims, would significantly help to establish a balanced Board. Thus, while we attempt to hire select members for the Board that collectively represent all areas of the justice system, I believe that we can alternatively establish a balanced Board by hiring members who individually understand the legal, the public safety, and the programmatic issues of the Board, as well as the personal impacts it has on all involved. In making hiring decisions to the Board, we should feel confident that the appointment will strengthen the Board in achieving its mission and improving its composition in mirroring the State's population demographics. During my term as Secretary, we have selected one representative with a crime victim background, one with a public defender background, and one with a correctional/parole background. All three are doing an excellent job.

2. **On May 11, 2004, you participated with the Director of the Department of Corrections in announcing a plan of parole reforms including better electronic monitoring and early intervention programs. Could you elaborate on that plan and current status of its implementation? There have been suggestions in the past that the Board of Prison Terms has set policies that decrease the discretion of local parole officers to use alternatives to parole revocation for many violations, including testing positive for the use of illegal drugs. How will your agency work with the Board of Prison Terms to implement the "reforms" previously announced?**

The plan has four major components. The first is to provide effective inmate programming and services to address the major barriers to success on parole: illiteracy, unemployment, and substance abuse. The second is to provide enhanced tools for parole agents and law enforcement. The third component addresses incentive-based programs aimed at successful discharge from parole. The final component recognizes victims' rights and enhances restitution recovery. The focus is on evidenced-based programs that reduce criminal behavior.

Governor Schwarzenegger proposed a two-year implementation of the Parolee Accountability Program as part of the recent May Revise. Upon the approval of the proposal by the Legislature in the Budget Act, we are prepared to implement the program. Both CDC and BPT have been involved in the development of the program and are committed to the program's success. I anticipate both organizations will do an outstanding job in bringing this proposal to be an effective program. The Agency will monitor and evaluate the implementation of the changes and the effectiveness of the new program.

3. **Please provide an update on the Valdivia settlement. Include projected costs and implementation dates.**

On my first day in office, November 18, 2003, I signed the stipulation settling the *Valdivia* case, which had been pending since 1994. The settlement calls for a major restructuring of the way we provide due process in parole revocation proceedings. It will ensure that parolees have timely written notice of the charges and an opportunity to respond promptly to those charges at a Probable Cause Hearing. Existing regulations require a final revocation hearing within 45 days, a timeframe that the BPT routinely exceeds. The *Valdivia* agreement shortens the timeframe to 35 days and binds the Board to comply with this more expeditious hearing requirement.

The first step in compliance is the completion of policies and procedures. We have provided a draft compliance to the plaintiffs' attorneys and are working with them to ensure due process. Once the policies and procedures are submitted to the court on July 1, 2004, we will begin training staff. BPT is also working with McGeorge School of Law to contract for attorneys for all parolees facing revocation proceedings. We expect this will not only better protect the rights of parolees, but will also aid the BPT and CDC in providing notice and ensuring an expeditious resolution to these cases.

4. **The Board of Prison Terms has not set release dates for many inmates who are servicing indeterminate prison terms. Do you have any thoughts on the parole process for such inmates and the appropriate function of the Board of Prison Terms?**

The job of a BPT Commissioner is one of the most difficulty and important jobs in all of State government. Most prisoners sentenced to life terms for murder become eligible for parole consideration, and they have a due process right to be fairly considered for release and to be given a release date when in the judgment of the panel that they no longer pose an unreasonable threat of harm. No decision could have higher stakes both to society and to the offender and his/her family.

The Governor has been far more deferential to the decisions of the Board than was his predecessor. I believe this leads to more responsible and qualitatively better decision making by the Board. The Commissioners understand that when they issue a sound decision granting parole, it will be given deference and respect by the Governor, but if their decision is not thorough, rational and clear, it will be rejected. I believe you will see that the BPT has been revitalized and that life prisoners who demonstrate that they no longer pose an unreasonable risk to society will be given the opportunity to parole.

5. **Lifer hearings are conducted by board members and deputy commissioners who do not examine the files of the inmates until, at best, the week of the hearing and, many times, the day of the hearing. How can this system be improved?**

Review of a prisoner's file is best conducted shortly before the hearing to ensure the information is fresh in the minds of the panel members. The panel members review the file in order to have a basic understanding of the prisoner's life crime and criminal history, his/her institutional adjustment and his/her parole plans. The file review gives the panel members a basis upon which to question the prisoner at the hearing regarding his suitability for parole. The prisoner's responses at the hearing ultimately bear most heavily on the decision to grant or deny parole.

Nevertheless, I must acknowledge that given the current hearing schedule of the panel members, there is not enough time to review files as thoroughly as the panel members would like. Panel members generally review files on Monday morning before the start of that day's hearings and then every evening in preparation for the next day's hearings. This allows the panel members to be reasonably well prepared for the hearings. However, so long as the caseload remains as high as it is now, it is difficult for panel members to conduct a thorough review of all pertinent file documents prior to the hearing, during normal working hours.

However, I am committed to exploring alternative ways to provide essential information to our board members who must make difficult and weighty decisions impacting the lives of offenders. Recently, we met at Agency and discussed the possibility of having dedicated trained staff would be responsible for summarizing key information into a written "brief" that would be available to the board members. This would alleviate the time-consuming task and sometimes cumbersome task of searching through files (some of which can be several inches thick) to look for the information needed to make their decision. This "brief" would be a factual and thorough document devoid of recommendations—since it is the job of the board member to decide. This idea along with other possible alternatives will be explored to determine what we do to improve our operations.

Recidivism

- 1. California reportedly has one of the highest recidivism rates for released inmates in the nation. How do you propose decreasing the recidivism rate? Are there specific programs or procedures that you will direct YACA departments to implement? Which programs do you believe are most effective? How should we evaluate their effectiveness and then integrate those findings to improve programs?**

A few weeks ago, I held a press conference with Jeanne Woodford, Director, CDC, to discuss the failure of the parole system. California has had one of the highest recidivism rates in the nation, and we are doing a disservice to the public if we do not bring about improvements in our parole system so that we can reduce the crime and victimization occurring in our communities. It is for this reason that I have announced a major initiative at Agency that will focus on our system of parole that will bring about improved public safety and parole accountability. Our aggressive parole strategy has four facets:

- Inmate Programming and Services;
- Tools for Parolees, Parole Agents, and Law Enforcement;
- Promoting the Successful Discharge from Parole; and
- Including Crime Victim Issues in Re-entry.

Our parole strategy, especially the provisions for parolee services, are designed to support the needs of parolees in the community and reduce the incidence of crime. As part of this strategy, we will track key indicators and evaluate their effectiveness to determine what is working, what needs improvement, or what is ineffective. Finally, we will use these findings to improve our parole system, which will bring about fewer victims of crime while also increasing the savings to the State. We have enlisted the positive support of local law enforcement and crime victims in the new approach.

In addition to our parolee programs designed to improve parolee accountability and contribute to their success, inmate and ward education and program services also contribute to success upon release on parole. Attainment of a high school diploma or GED can mean the difference on whether or not an offender gets a job. Providing our offenders with pre-release planning, and giving them meaningful tools, such as training on the proper way to fill out a job application, creating a resume, and preparing for an interview aids our parolees and decreases their anxiety when facing the real-world challenges of obtaining employment. Lastly, accountability must be shared by the community. I have personally begun meeting with victims' groups, community-based organizations, faith-based organizations, local political leaders, the media and law enforcement to share my vision of parole accountability. These interactions will result with a renewed sense of urgency and establish long lasting relationships that will be beneficial in establishing appropriate services and terms of accountability for all sectors of our stakeholders, the public, the private and the social sector. I see a new collaboration forthcoming to support our new parole accountability standard.

2. How do we determine recidivism for both youth and adults? Are there any plans to improve our tracking systems?

It is important to note that there is *no accepted national standard for defining recidivism*. Some studies on recidivism will count "parole failures" that do not result in a new crime or reincarceration. In this case, a "dirty drug test" reported to a parole agent would be a measurement included in the recidivism data. Others count only recidivism if it results in reincarceration of an offender. Both CDC and CYA measure recidivism through a 24-month parole follow-up of offenders released during a specific calendar year, and include the number of parolees who were removed from parole at or before 24 months through revocation or discharge, while on violation status or while serving a sentence for a law violation. What this figure does not include is any offender who is reincarcerated during the 24-month period who had been previously discharged from parole. (For adults, by law, nonviolent parolees can

be discharged from parole after serving 12 continuous months of "clean" parole time. For juvenile parolees, some offenders have less than 24 months of parole time left after they are released from confinement.)

I am extremely interested in improving the research and evaluation capabilities for Agency because I believe parole success and parole failure are key indicators for how well we are serving the citizens of California. In addition, many of our recent parole initiatives are built upon measuring our success rates through tracking the outcomes of our offenders. It is for that reason, during the May Revise of our budget, that I am establishing a research presence at our Agency for the first time. One of the priorities for this position will be to improve our evaluation system so that we can provide more accurate and timely data to criminal and juvenile justice stakeholders, including those who have an interest in our parolee outcomes.

3. **Would you be supportive of any efforts to develop collaborative programs with inmates' and/or wards' families in hopes of preparing them for enhanced capacity to function constructively after they are released? What impact does reduced visiting have on the ability of inmates to reintegrate into the community upon release?**

I am extremely supportive of collaborative programs with inmates and/or wards' families that promote unification in the community. As stated previously, I have already begun meeting with families of offenders. One of my key initiatives will be to make our system more transparent, easier to help and accountable to all citizens. Accountability must be established for all involved to include the offenders, offenders' families and communities where parole failure creates more victims. We must break the current cycle of revictimization we are in.

There is no doubt that the visiting reductions have personally affected the families and inmates, and I am committed to looking for ways to improve our visiting program.

Program

1. **How should we evaluate the effectiveness of CDC and CYA vocational and educational program?**

We will use the expertise of the research position reference above to detail the specifics of how we should approach this important issue. There are possible several ways to determine the effectiveness of these programs. For educational programs, we might track progress in educational credits received, reading and grade levels, and graduation and GED rates. Test scores might also be utilized as an indicator of progress for our inmates/wards. For our vocational programs, measurement might be success in placing parolees in related employment once on parole. Lastly, we must track to determine, are we impacting community safety by parolees not reoffending and revictimizing their community. Education and the ability to earn a livable wage are key components to parole success.

How can program be upgraded to reduce recidivism and enhance job opportunities upon release in a time of budget cuts and diminished fiscal resources?

There are several ways that I will pursue increasing program and job opportunities for offenders. First, I will aggressively seek grants and federal funding that are available to Agency. I have directed the leaders in our Departments and Boards that we need to be diligent and creative in looking for funding and ways to improve inmate/ward opportunities at little or no cost. One of the things that I believe is that historically, we (both CDC and CYA) have been "hard to help." By that I mean, there is no shortage of volunteers and others who are ready and willing to provide us assistance, but our first response is to usually turn them away. Under my leadership, I will promote a more proactive, open style of reaching out to those people who are willing to provide assistance to YACA. Many volunteer organizations, such as Alcoholics Anonymous, Foster Grandparents, faith-based organizations, etc., provide opportunities for inmates/wards. Given the fiscal times we are experiencing now it is the time to maximize their use.

Drugs

- 1. Inmate and ward access to illegal drugs is reported to be an ongoing problem. Do you have plans to recommend any new CDC and CYA policies or procedures to reduce access to illegal substances? Has there been a decrease in contraband in prisons where vendor packages are in use?**

I will proactively seek legislation addressing the introduction of cell phones into institutions, which is thought to be an emerging avenue for inmates to carry on illegal drug transactions with outside persons and to coordinate other illegal activities. I will also evaluate the feasibility of implementing mandatory random urinalysis testing of all CDC inmates. I will also establish more comprehensive coordination between institutional staff and local law enforcement agencies in pursuit and prosecution of civilian offenders, staff and parolees who conspire with inmates in introducing or attempting to introduce controlled substances into CDC institutions.

Three institutions implemented the vendor package program in October 2003, and one in January 2003, but the majority of institutions did not implement the program until April 2004. Therefore, it is premature to verify whether there has been a decrease in contraband in institutions where vendor packages are in use. However, preliminary data from these institutions reveal a decrease in the contraband discovered in vendor packages with no incidents of drug discovery reported. Additionally, the number of discoveries and total volume of drugs discovered within the inner perimeter is reported to have also decreased.

The Agency is committed to reducing access to illegal substances. All facility sites have signs posted prior to entering the facility advising all persons that bringing narcotics, drugs and/or alcohol into the facility shall be punished by imprisonment in county jail or State prison for up to one year.

Finally, Agency will look at national best practices in controlling institutional drug trafficking through its efforts with NIC, as well as the National Law Enforcement Technology Transfer Committee.

2. What additional resources would you recommend those departments utilize in order to reduce access to illegal substances?

I have directed the CDC Technology Transfer Committee to review the feasibility of acquiring enhanced drug detection technology to assist in monitoring institutional entry points. Electronic drug detection equipment may be the most effective interdiction strategy and deterrent to the interdiction of controlled substances by inmate visitors, contract staff, volunteers, or institutional staff.

I also believe that providing the most up-to-date, ongoing training to investigative staff in the coordination and analysis of intelligence information. Including, Inmate Monitoring and Recording System (IMARS), inmate correspondence, trust accounts, visitor information, gang affiliation, and the linking of suspects from multiple investigations will improve apprehension and prosecution

As fiscal conditions improve, I believe acquiring more equipment and upgrading existing inmate visiting area closed circuit systems, along with the utilization of dedicated monitoring staff will have a significant impact. In addition, we will continue headquarters' oversight and evaluation of departmental drug interdiction efforts and the analysis of the results of various strategies, develop and monitor drug-related policies and strategies, and compile data regarding drug interdiction efforts and drug use in the institutions.

We will continue to proactively seek available federal funding to assist with drug interdiction efforts, and work with local law enforcement to link our efforts to criminal activities in the community.

I also believe that as we go forward in reducing inmate access to drugs and implementing more offender specific programs addressing the challenges of those most immediately being prepared for parole, we will impact the "Inmate Economy," by reducing their economic base. Our focus on preparing inmates for parole will change the institution environment; drug treatment and drug testing will be major components of that change.

Inmate Violence and Gangs

1. What recommendations would you make for the CDC and CYA to reduce violence? What additional resources would you recommend those Departments utilize in order to reduce inmate violence? Would additional training for correctional officers in violence reduction be one of your recommendations?

In order to reduce the violence, programs that address the core causes of prison violence, such as gangs and drugs, need to be implemented. There is a strong correlation between drugs, gangs, and violence in institutions. As prison gangs fight for control of the drug trade there is an increase in violence, i.e., inmate-on-inmate and inmate-on-staff assaults, homicides, and riots. In addition, the power struggles for control of the drug trade at times extend out into the community. The reduction of drugs will contribute to a decrease in inmate-on-inmate and inmate-on-staff-assaults, and unrest in the community.

Steps that are necessary to reduce violence include: the need to identify the offenders with violence potential, to ensure the offenders are appropriately housed, and to provide programs to modify their potential violent behavior. In CDC, the ability to identify inmates with a potential for violent behavior has already been put into effect by the utilization of the new Placement Score System PSS. This system more accurately places inmates into the appropriate level of custody and is based on case factors that are more predicative of future misconduct in prison. In addition, the new PSS allows inmates that do not display violent behavior the ability to program in an environment less susceptible to violence from more violent inmates. Another step that is currently in place is the availability of Substance Abuse Treatment Programs, which are available to inmates meeting placement criteria. I will also look at how a similar system can be replicated within CYA.

We should explore programs that address the core causes of in prison violence; however, these programs have costs associated with them. Once the Agency identifies specific programs, policies and procedures for reducing inmate violence, additional training of all correctional staff will be critical in assuring success in reducing inmate violence.

- 2. Prison gangs are a continuing problem in California prisons. How would you describe CDC's and CYA's strategy to control and reduce violence? Do you have any recommendations you would make for CYA and CDC to further reduce gang problems?**

As previously discussed, in order to reduce violence, programs that address the core causes of institution violence, such as gangs and drugs, need to be implemented. As the availability of drugs decrease, inmate-on-inmate assaults and inmate-on-staff assaults, and gang activity will also decrease. We must also ensure offenders with violence potential, to include gang members/associates are identified and appropriately housed. This allows inmates that do not participate in gang activity nor display violent behavior the ability to program in an environment less susceptible to violence.

The Agency continues to work with the U. S. Attorney General's Office to prosecute known and validated California prison gang member/leaders under the Racketeer Influenced and Corrupt Organization Act. In addition, in order to further assist institution gang investigators in the gathering of intelligence regarding prison gang activities and debriefings of prison gang members, CDC recently established Prison Gang Debriefing Units.

One of the most effective enhancements in this area that I will undertake is our information sharing opportunities with local law enforcement. Since many offenders coming to CDC and CYA are gang members in their communities, local law enforcement has often developed a wealth of knowledge regarding their past behavior and activities. In turn, our Agency can provide local law enforcement with valuable information regarding in-prison conduct, which is essential once an offender is ready to be released back into the community.

Healthcare

- 1. Please describe the role of YACA and your personal role as Secretary in assuring that correctional healthcare is being provided in an appropriate, cost-effective manner and consistent with community standards and legally required mandates.**

Historically, YACA has not had an adequate health care presence or involvement in assuring appropriate and cost-effective health care that is consistent with community standards and legal requirements. Consistent with this lack of involvement the Bureau of State Audits (BSA) recently reported that CDC could benefit from improving their health care contracts; media has reported that mental health programming at CYA is, at a minimum, problematic; and CDC has found itself in constant litigation. This lack of involvement will no longer be the case. Shortly after my appointment on November 17th, 2003 I created a YACA Special Projects Team (SPT) and requested that they review health care operations across CYA and CDC, including parole. The SPT's efforts have led to ongoing projects designed to reduce overall expenditures while improving health care practice. One example is the Health Care Management System that incorporates the federally funded Veteran's Affairs Pharmacy System with a CDC clinical management systems and Parole's Transitional Case Management Program system. This improvement and integration of our health care IT systems will connect CYA and CDC ensuring continuity of care, the elimination of redundancy, and delivery of objective evidenced-based practice. It is expected that the savings associated with this project will allow this project to fully fund itself, while dramatically improving health care practice.

- 2. Please describe any changes in organizational structure or function, available resources, expertise, or other strategies that you have implemented to improve correctional healthcare.**

I have a key policy position into the YACA. Organizational structure by creating a position of Deputy Secretary, Health Care, which will ensure a permanent health care presence... The function of this position is, in part, to span across the Boards and Departments and promote the sharing and migrating of best practices and resources as appropriate. Creating this position aligns Agency to impact and guide the direction of correctional health care policy.

Part of this transformational process will be to elevate health care to a level that it becomes a priority within the YACA organizations. The YACA Strategic Planning initiative will move the decision making process toward a more inclusive model integrating health care issues more fully into the fabric of the correctional culture.

3. How will you determine if the correctional healthcare programs, including mental health services, are effective, being appropriately managed, and achieving their intended outcomes?

To determine if Health Care Programs, including mental health services, are effective, appropriately managed, and achieving their intended outcomes, each program, institution, facility, and camp must first ensure that they have set clear goals, objectives, and missions consistent with best practices. Second, they must establish accountability from both Health Care Managers and Wardens/Superintendents to be responsible for objectives as a team. During my Administration, Health Care Managers and Wardens/Superintendents will share in the success and failures of their program, institution, facility, and camps. To determine if they are appropriately managed, CDC and CYA must develop audit tools to evaluate the effectiveness, including, but not limited to: access to care, to professional judgment, and to continuity of care. Each must audit Corrective Actions Plans for compliance related to licensing requirements, to court compliance (i.e., *Armstrong, Coleman, Plata, Madrid, Clark*), and best practice standards. This will allow Health Care Managers and Wardens/Superintendents to adequately monitor and objectively determine how successful their health care program is in achieving specific goals. This information will provide health care managers and wardens/superintendents with the tools necessary to alter or modify programs. Built into this audit process must be the utilization of Quality Management Committees to resolve issues and to improve institutional operations. Finally, regular fiscal reviews must be conducted to ensure cost containment. In short, determining if correctional health care programs are effective, being appropriately monitored, and achieving their intended goals begins with purposeful leadership and appropriate accountability.

4. How would you determine if additional managed care strategies could be implemented in correctional healthcare? Is it appropriate to bring in managed health care experts to evaluate and assist you in structuring cost effective and efficient health care delivery?

To address this question, YACA must be mindful that health care standards in corrections are different from managed care standards in the community. One difference is that individuals in the community can choose their health care, whereas inmates/wards do not have the ability or right to choose their health care plan. Another difference is that the federal courts have determined that institutions are held to a higher standard than the community for access to care. Because of these differences, managed care has some limitations in a correctional setting. With the above caveat in mind, it is always appropriate to have health care experts evaluate and assist in structuring cost-effective and efficient health care delivery. During my Administration, YACA will encourage and welcome the assistance and advice from the Legislature, the private sector, and the UC System. For example, my SPT has had ongoing conversations and meetings with Dr. Louis Vismara from Senator Burton's office on pharmacy systems, medication management, clinical management, and ideas on collaborating with the UC System... Because most of our

Health Care Delivery Programs, at present, are subject to court orders (i.e., *Coleman* drives the Mental Health Services Delivery System and *Plata* drives the medical system), it is important that we continue working with experts who know what the court's requirements, demands, and expectations will be on our Agency.

5. How would you characterize the current status of healthcare and mental health services being provided to the CYA wards and describe the most pressing improvements that you would implement?

I would characterize the current status of health care and mental health services being provided to the CYA wards as an opportunity to create meaningful improvement for the betterment of wards, staff, and the communities. We are all aware of the obstacles facing CYA. To address these obstacles, my plan is to: (1) standardize policies and procedures across CYA, (2) provide better training to health care staff, (3) improve professional qualifications, and (4) develop appropriate oversight mechanisms. To accomplish these tasks, the following remedial plans are currently underway:

- A national search for a highly qualified Medical Director (We anticipate the selection process by July 31st).
- A reorganization of Health Care Services (including mental health) to provide greater prominence to the division and improve access to the directorate.
- Implementation of a Quality Management Process to review our delivery of health care. (CDC is engaged in discussion with the University of California San Diego School of Medicine to provide peer review services.)
- A formalized structure is being developed to ensure that CYA and the governing body meet at least quarterly to address health care and mental health issues.
- An improved centrally-based credentialing program for health care staff.
- The standardization of health care policies and procedures.
- Establishing the continuity of care from outpatient programming through crisis management and inpatient hospitalization.
- The development of a needs assessment mechanism.
- The development of a Suicide Prevention Program.

In addition to the above Remedial Plans, there has also been collaboration with other Departments and discussions with experts in the private sector. Several residential programs have been developed to address ward acuity levels. In partnership with the Department of Mental Health Services, they have been granted a provisional license for an Intermediate Care Program for mental health wards at the Southern Youth Correctional Reception Center and Clinic. In addition, CYA Mental Health Programs have been reviewed by Eric Trupin, Ph.D., and Raymond Patterson, M.D., and a number of recommendations are being reviewed in order to provide greater treatment to CYA wards. CYA will be a part of the YACA Strategic Planning Process, which will ensure that overarching issues are driven across Departments so that each may benefit from success that has been realized by the other Departments.

6. How would you determine if the rising costs of correctional healthcare, including out-of-prison expenditures and pharmaceutical prices could be reduced?

The rising costs of health care are a major concern. The costs of contract medical expenditures have recently been criticized by the BSA, who indicated we could save costs by better reviewing billings and setting rates. In the May Revise, we have proposed funding the review activities and having the Legislature set the contract rates consistent with Medi-Cal.

I have established a workgroup to identify opportunities to reduce medical costs. They have identified medication management as an area when care can be improved at a lower cost. They are implementing an automated system to allow improved tracking of prescribing and administering of drugs. The system will also provide drug information to the CDC Parole System and reduce parole costs. If the pilot program is successful, we will move the system statewide.

Staff at YACA are pursuing several other projects to reduce the growth in medical costs. These include: in-house procedures to reduce dialysis transportation and guarding costs; an additional transportation hub at Wasco, special housing/hospital considerations for long-term care patients; and the collaboration of YACA staff working with the Department of General Services to reduce the cost of goods through strategic procurement.

7. Please describe your recommendations to promote effective collaboration between healthcare and correctional staff. How would you determine if these practices were effective and being implemented at all facilities?

I will promote effective collaboration between health care and correctional staff by transforming the vision and mission of YACA to include the importance of health care.

We are currently clarifying the role and expectations of Health Care Managers and Wardens/Superintendents to reflect the following: Health Care Managers are responsible for all health care issues, including but not limited to: (1) clinical oversight, (2) health care budget oversight, (3) compliance with court orders/mandates, and (4) institutional health care policy; and that Wardens/Superintendents are also responsible for health care issues, including but not limited to: (1) ensuring access to care, (2) facilitating follow-up to care, (3) providing administrative and custodial support to the Health Care Program, (4) court ordered/mandated compliance, and (5) following program/institutional budget constraints. Clear goals and objectives need to be set that hold both Health Care Managers and Wardens/Superintendents responsible for functioning as a team and jointly accountable for the success or failure of their programs. I will utilize successful management teams where Health Care Managers and Wardens/Superintendents have proven an ability to succeed together, as a team, to provide leadership training and examples of success to others. My final intent is to

increase team building through enhanced communication and a more inclusive decision making process; thereby, ensuring the needs of both the Health Care Managers and Wardens/Superintendents are taken into full consideration.

To determine the effectiveness of these practices, it is essential that we utilize the Quality Management Committee process to resolve issues and to improve program, institution, facility, and camp operations. In addition, each program, institution, facility, and camp must be rated by their compliance with relevant court requirements and regular fiscal reviews must be conducted to ensure cost containment and operations are within expected budgets. Ensuring that practices are effective and being implemented across all Departments and Boards within YACA will be facilitated and maintained by monitoring the implementation of the YACA Strategic Plan.

8. Please describe what "systems" and resources are available to YACA on issues and problems related to correctional healthcare. How have you utilized this information in formulating your policies and recommendations?

As I have mentioned above, I am establishing a permanent health care presence at YACA to oversee health care issues and I have established a SPT to review selected health care issues across YACA and bring issues of concern to my attention. My staff at YACA works as a team to keep me informed on issues regarding health care, and to support important health care initiatives. This team includes; the Undersecretary; Chief of Fiscal Programs; General Counsel; Victim Issues Advisor; the Deputy Secretary Legislation; and the Agency Information Officer. I have a strong, ongoing, relationship with the courts and the court masters who are reviewing health care. I am Chairman of the Counsel on Mentally Ill Offenders and I have a national network of experts who can provide guidance, advice and direction on issues regarding correctional health care.

I am committed to utilizing the SPT in creating issue-driven multidisciplinary taskforces. When appropriate, these task forces will include stakeholders from Agency, private vendors, and experts in the field to ensure innovative solutions that align with my correctional vision. Such a taskforce has already researched and identified a health care management system, which will improve medication administration, clinical management, and pharmacy management. Phase I of this system will be piloted in July and will connect CDC and CYA.

Over time, we will work with CDC and CYA to put in place management information and reporting systems so that we can all be in a more informed position to manage health care.

- 9. California's prison population includes increasing numbers of geriatric inmates who face debilitating chronic illnesses. Some of the severely incapacitated inmates are incarcerated in facilities (CTCs) intended for acute medical conditions. How will you address this problem?**

Correctional Treatment Centers (CTCs) and Skilled Nursing Facilities serve similar populations in terms of nursing care needs. For example, both facilities serve patients who do not require services of an acute care hospital, but who do require supervised health care beyond what is available on an outpatient basis; however, they have an additional mission of providing services to inmates experiencing a short-term mental health crisis. There are a large number of inmates in need of both mental health crisis and long-term care services. To meet the increasing demand for services, additional mental health and long-term care beds at several facilities must be added, including: (1) California Medical Facility-50 mental health crisis beds; (2) San Quentin State Prison-12 Mental health crisis beds and 12 long-term care beds; and (3) Delano II-12 mental health crisis beds and 12 long-term care beds.

It is important to consolidate the care of long-term care patients in order to optimize the quality of care provided to inmates with long-term care needs. To free actual hospital and CTC beds currently being utilized for placement of long-term care patients, the possibility of moving inmates who merely require assistance with activities of daily living to CDC Outpatient Housing Units specially designed to meet their mobility, dietary, and case management needs is being explored.

The option of early release for medical parole of non-violent, incapacitated inmates to long-term care facilities is being reviewed. Currently, the only option for early release is through the provisions of Penal Code 1170(e), which is criteria allowing for the early release of terminally-ill inmates (other than the condemned and those sentenced to live without the possibility of parole) with less than six months of life expectancy and no public safety threat upon release. However, the provisions of Section 1170(d) may provide an avenue for either medical parole or early release of medically incapacitated inmates. This code authorizes the court to recall sentences as recommended by CDC or the BPT. It must be noted the any avenues for medical parole or discharge will require extensive prerelease planning to ensure community and patient safety.

- 10. Are you satisfied that the current compassionate release process is working adequately for qualified inmates? If no, how can it be improved?**

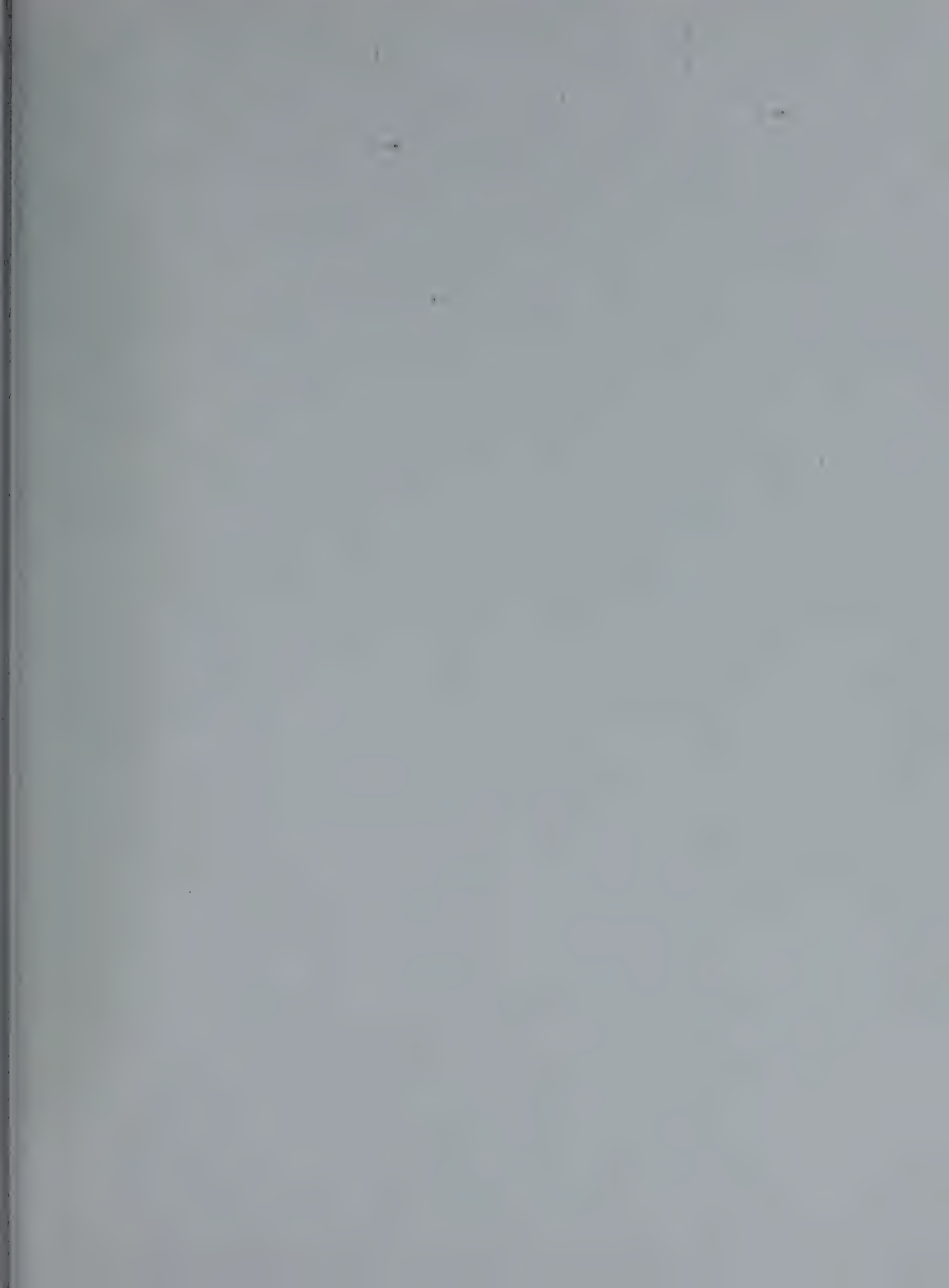
I am not satisfied with how our current Compassionate Release Process is working for qualified inmates. Current statutory criteria contemplates that a prisoner will be released if he has less than six months to live and his release will not endanger public safety. I believe that the criteria are sound, but that they are sometimes applied in an overly restrictive way. For example, a doctor may feel that a patient likely has less than six months to live, but is unable to say so to a medical certainty. In such a case, we need to be looking at the threat the prisoner would pose to the public if released and not wait until there is a medical certainty of imminent death. This is largely an issue of reorienting people to following the spirit of the law.

11. What is the role of the CDC warden and CYA superintendent in ensuring appropriate healthcare at their facility? Are there improvements that would be enacted in your administration? How would you monitor these activities to be sure they are being implemented?

It is the expectation of the Wardens and Superintendents to ensure access to care, facilitating follow-up care, providing administrative and custodial support to the Health Care Program, ensuring court ordered/mandated compliance, and following program/institutional budget constraints.

The Deputy Secretary, Health Care, will form a select group of state managers to develop solutions to the health care delivery problem encompassing the following areas: primary medical care, specialty medical care, community hospitals, pharmacy, mental health, dental, laboratory services, and utilization management for CDC and CYA.

I plan to have CDC and CYA management monitor these activities by: (1) Utilizing the Quality Management Committee process to resolve issues and improve the institutions' operation; (2) rating programs/institutions by their court order compliance; (3) conducting regular fiscal review to ensure cost containment; and (4) by the utilization of existing successful management teams of Wardens/Superintendents and health care managers who have proven an ability to succeed together as a managerial team. CDC and CYA Directors will report to YACA on the monitoring results.



494-R

Additional copies of this publication may be purchased for \$10.50 per copy
(includes shipping and handling) **plus current California sales tax.**

Senate Publications
1020 N Street, Room B-53
Sacramento, CA 95814
(916) 327-2155

Make checks payable to SENATE RULES COMMITTEE.
Please include Stock Number 494-R when ordering.







